

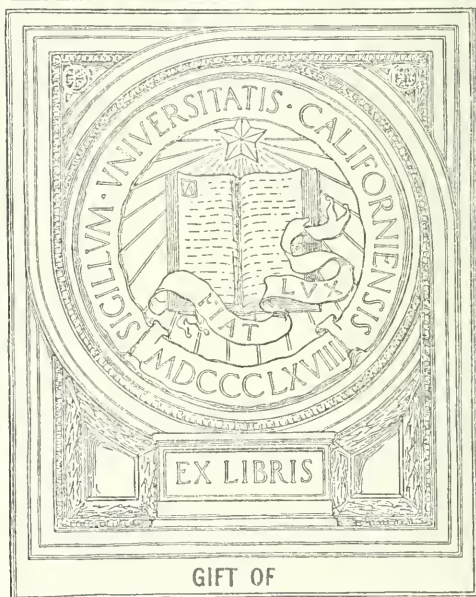
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CHARTER

OF THE

CITY AND COUNTY *of* DENVER

FRAMED BY THE
SECOND CHARTER CONVENTION

FEBRUARY 6, 1904

AND

AMENDMENTS THERETO

TO

DECEMBER 1, 1911

CONTAINING ALSO
ARTICLE XX OF THE CONSTITUTION OF
THE STATE OF COLORADO



DENVER, COLORADO
THE SMITH-BROOKS PRINTING COMPANY
1911



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OF THE
SECOND CHARTER CONVENTION
OF THE
CITY AND COUNTY OF DENVER

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Vice-President.....	HARPER M. ORAHOOD
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ARTICLE XX
OF THE
CONSTITUTION OF COLORADO

ARTICLE XX

Of the Constitution of Colorado

AN ACT

To Submit to the Qualified Electors of the State of Colorado an Amendment to the Constitution of the State of Colorado, by Adding Thereto Article XX, entitled "City and County of Denver."

Be it Enacted by the General Assembly of the State of Colorado:

Section 1. There shall be submitted to the qualified electors of the state of Colorado, at the next general election for members of the general assembly, for their approval or rejection, the following amendment to the Constitution of the state of Colorado, by adding to the said Constitution a new article to be numbered and designated as "Article XX, City and County of Denver," which, when ratified by a majority of those voting thereon, shall be valid as a part of the Constitution, to wit:

ARTICLE XX.

CITY AND COUNTY OF DENVER—INCORPORATION.

Section 1. The municipal corporation known as the city of Denver, and all municipal corporations and that part of the quasi-municipal corporation known as the county of Arapahoe, in the state of Colorado, included within the exterior boundaries of the said city of Denver as the same shall be bounded when this amendment takes effect, are hereby consolidated and are hereby declared to be a single body politic and corporate, by the name of the "City and County of Denver."

By that name said corporation shall have perpetual succession, and shall own, possess and hold all property, real and personal, theretofore owned, possessed or held by the said city of Denver and by such included municipal corporations, and also all property, real and personal, theretofore owned, possessed or held by the said county of Arapahoe, and shall assume, manage and dispose of all trusts in any way connected therewith; shall succeed to all the rights and liabilities, and shall acquire all benefits, and shall assume and pay all bonds, obligations and indebtedness of said city of Denver and of said included municipal corporations and of the county of Arapahoe; by that name may sue and defend, plead and be impleaded, in all courts and

places, and in all matters and proceedings; may have and use a common seal and alter the same at pleasure; may purchase, receive, hold and enjoy, or sell and dispose of, real and personal property; may receive bequests, gifts, and donations of all kinds of property, in fee simple, or in trust for public, charitable or other purposes; and do all things and acts necessary to carry out the purposes of such gifts, bequests and donations, with power to manage, sell, lease or otherwise dispose of the same in accordance with the terms of the gift, bequest or trust; shall have the power, within or without its territorial limits, to construct, condemn and purchase, acquire, lease, add to, maintain, conduct and operate, water works, light plants, power plants, transportation systems, heating plants, and any other public utilities or works or ways local in use and extent, in whole or in part, and everything required therefor, for the use of said city and county and the inhabitants thereof, and any such systems, plants, or works, or ways, or any contracts in relation or connection with either, that may exist and which said city and county may desire to purchase, in whole or in part, the same or any part thereof may be purchased by said city and county, which may enforce such purchase by proceedings at law as in taking land for public use by right of eminent domain, and shall have the power to issue bonds upon the vote of the taxpaying electors, at any special or general election, in any amount necessary to carry out any of said powers or purposes, as may by the charter be provided.

The general annexation and consolidation statutes of the state shall apply to the city and county of Denver to the same extent and in the same manner that they would apply to the city of Denver if it were not merged, as in this amendment provided, into the city and county of Denver.

Any contiguous town, city or territory hereafter annexed to or consolidated with the city and county of Denver, under any of the laws of this state, in whatsoever county the same may be at the time, shall be detached per se from such other county and become a municipal and territorial part of the city and county of Denver, together with all property thereunto belonging.

The city and county of Denver shall alone always constitute one judicial district of the state.

OFFICERS.

Section 2. The officers of the city and county of Denver shall be such as by appointment or election may be provided for by the charter; and the jurisdiction, term of office, duties and qualifications of all such officers shall be such as in the charter may be provided; but every charter shall designate the officers who shall, respectively, perform the acts and duties required of county officers to be done by the Constitution or by the general law, as far as applicable.

If any officer of said city and county of Denver shall receive any compensation whatever, he or she shall receive the same as a stated salary, the amount of which shall be fixed by the charter, and paid out of the treasury of the city and county of Denver in equal monthly payments.

TRANSFER OF GOVERNMENT.

Section 3. Immediately upon the canvass of the vote showing the adoption of this amendment, it shall be the duty of the governor of the state to issue his proclamation accordingly, and thereupon the city of Denver, and all municipal corporations and that part of the county of Arapahoe within the boundaries of said city, shall merge into the city and county of Denver, and the terms of office of all officers of the city of Denver and of all included municipalities and of the county of Arapahoe shall terminate; except, that the then mayor, auditor, engineer, council (which shall perform the duties of a board of county commissioners), police magistrate, chief of police and boards, of the city of Denver shall become, respectively, said officers of the city and county of Denver, and said engineer shall be ex-officio surveyor and said chief of police shall be ex-officio sheriff of the city and county of Denver; and the then clerk and ex-officio recorder, treasurer, assessor and coroner of the county of Arapahoe, and the justices of the peace and constables holding office within the city of Denver, shall become, respectively, said officers of the city and county of Denver, and the district attorney shall also be ex-officio attorney of the city and county of Denver.

The foregoing officers shall hold the said offices as above specified only until their successors are duly elected and qualified as herein provided for; except that the then district judges, county judge and district attorney shall serve their full terms, respectively, for which elected.

The police and firemen of the city of Denver, except the chief of police as such, shall continue severally as the police and firemen of the city and county of Denver until they are severally discharged under such civil service regulations as shall be provided by the charter; and every charter shall provide that the department of fire and police and the department of public utilities and works shall be under such civil service regulations as in said charter shall be provided.

FIRST CHARTER.

Sec. 4. The charter and ordinances of the city of Denver as the same shall exist when this amendment takes effect, shall, for the time being only, and as far as applicable, be the charter and ordinances of the city and county of Denver; but the people of the city and county of Denver are hereby vested with and they shall always have the exclusive power in the making, altering, revising or amending their charter, and, within ten days after the proclamation of the governor announcing the adoption of this amend-

ment the council of the city and county of Denver shall, by ordinance, call a special election, to be conducted as provided by law, of the qualified electors in said city and county of Denver, for the election of twenty-one taxpayers who shall have been qualified electors within the limits thereof for at least five years, who shall constitute a charter convention to frame a charter for said city and county in harmony with this amendment.

Immediately upon completion, the charter so framed, with a prefatory synopsis, shall be signed by the officers and members of the convention and delivered to the clerk of said city and county who shall publish the same in full, with his official certification, in the official newspaper of said city and county, three times, and a week apart, the first publication being with the call for a special election, at which the qualified electors of said city and county shall by vote express their approval or rejection of the said charter. If the said charter shall be approved by a majority of those voting thereon, then two copies thereof (together with the vote for and against) duly certified by the said clerk, shall, within ten days after such vote is taken, be filed with the secretary or state, and shall thereupon become and be the charter of the city and county of Denver. But if the said charter be rejected, then, within thirty days thereafter, twenty-one members of a new charter convention shall be elected at a special election to be called as above in said city and county, and they shall proceed as above to frame a charter, which shall in like manner and to the like end be published and submitted to a vote of said voters for their approval or rejection. If again rejected, the procedure herein designated shall be repeated (each special election for members of a new charter convention being within thirty days after each rejection) until a charter is finally approved by a majority of those voting thereon, and certified (together with the vote for and against) to the secretary of state as aforesaid, whereupon it shall become the charter of the said city and county of Denver and shall become the organic law thereof, and supersede any existing charters and amendments thereof.

The members of each of said charter conventions shall be elected at large; and they shall complete their labors within sixty days after their respective election.

Every ordinance for a special election of charter convention members shall fix the time and place where the convention shall be held, and shall specify the compensation, if any, to be paid the officers and members thereof, allowing no compensation in case of non-attendance or tardy attendance, and shall fix the time when the vote shall be taken on the proposed charter, to be not less than thirty days nor more than sixty days after its delivery to the clerk.

The charter shall make proper provision for continuing, amending or repealing the ordinances of the city and county of Denver.

All expenses of charter conventions shall be paid out of the treasury upon the order of the president and secretary thereof. The expenses of elections for charter conventions and of charter votes shall be paid out of the treasury upon the order of the council.

No franchise relating to any street, alley or public place of the said city and county shall be granted except upon the vote of the qualified taxpaying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by said treasurer) of such submission by the applicant for said franchise.

The council shall have power to fix the rate of taxation on property each year for city and county purposes.

NEW CHARTERS, AMENDMENTS OF MEASURES.

Sec. 5. The citizens of the city and county of Denver shall have the exclusive power to amend their charter or to adopt a new charter, or to adopt any measure as herein provided;

It shall be competent for qualified electors in number not less than five per cent. of the next preceding gubernatorial vote in said city and county to petition the council for any measure, or charter amendment, or for a charter convention.

The council shall submit the same to a vote of the qualified electors at the next general election not held within thirty days after such petition is filed; whenever such petition is signed by qualified electors in number not less than ten per cent. of the next preceding gubernatorial vote in said city and county, with a request for a special election, the council shall submit it at a special election to be held not less than thirty nor more than sixty days from the date of filing the petition; Provided, That any question so submitted at a special election shall not again be submitted at a special election within two years thereafter.

In submitting any such charter, charter amendment or measure, any alternative article or proposition may be presented for the choice of the voters, and may be voted on separately without prejudice to others.

Whenever the question of a charter convention is carried by a majority of those voting thereon, a charter convention shall be called through a special election ordinance as provided in section four (4) hereof, and the same shall be constituted and held and the proposed charter submitted to a vote of the qualified electors, approved or rejected, and all expenses paid, as in said section provided.

The clerk of the city and county shall publish, with his official certification, for three times, a week apart, in the official newspaper, the first publication to be with his call for the election, general or special, the full text of any charter, charter amendment, measure, or proposal for a charter convention, or alternative article or proposition, which is to be submitted to the voters.

Within ten days following the vote the said clerk shall publish once in said newspaper the full text of any charter, charter amendment, measure or proposal for a charter convention, or alternative article or proposition, which shall have been approved by a majority of those voting thereon, and he shall file with the secretary of state two copies thereof (with the vote for and against) officially certified by him, and the same shall go into effect from the date of such filing.

He shall also certify to the secretary of state, with the vote for and against, two copies of every defeated alternative article or proposition, charter, charter amendment, measure or proposal for a charter convention.

Each charter shall also provide for a reference, upon proper petition therefor, of measures passed by the council to a vote of the qualified electors, and for the initiative by the qualified electors of such ordinances as they may by petition request.

The signatures to petitions in this amendment mentioned need not all be on one paper.

Nothing herein or elsewhere shall prevent the council, if it sees fit, from adopting automatic vote registers for us at elections and references.

No charter, charter amendment or measure adopted or defeated under the provisions of this amendment shall be amended, repealed or revived, except by petition and electoral vote.

And no such charter, charter amendment or measure shall diminish the tax rate for state purposes fixed by act of the general assembly, or interfere in any wise with the collection of state taxes.

CITIES OF THE FIRST AND SECOND CLASS.

Section 6. Cities of the first and second class in this state are hereby empowered to propose for submission to a vote of the qualified electors proposals for charter conventions and to hold the same, and to amend any such charter, with the same force and in the same manner and have the same power, as nearly as may be, as set out in sections four (4) and five (5) hereof, with full power as to real and personal property and public utilities, works or ways, as set out in section one (1) of this amendment.

SCHOOL DISTRICTS CONSOLIDATED.

Section 7. The city and county of Denver shall alone always constitute one school district, to be known as District No. 1, but its conduct, affairs and business shall be in the hands of a board of education consisting of such numbers, elected in such manner as the general school laws of the state shall provide, and until the first election under said laws of a full board of education which shall be had at the first election held after the adoption of this amendment, all the directors of school district No. 1 and the respective presidents of the school boards of school districts Nos. 2, 7, 17 and 21, at the time this amendment takes effect,

shall act as such board of education, and all districts or special charters now existing are hereby abolished.

The said board of education shall perform all the acts and duties required to be performed for said districts by the general laws of the state.

Except as inconsistent with this amendment, the general school laws of the state shall, unless the context evinces a contrary intent, be held to extend and apply to the said "District No. 1."

Upon the annexation of any contiguous municipality which shall include a school district or districts or any part of a district, said school district or districts or parts shall be merged in said "District No. 1," which shall then own all the property thereof, real and personal, located within the boundaries of such annexed municipality, and shall assume and pay all the bonds, obligations and indebtedness of each of the said included school districts, and a proper proportion of those of partially included districts; Provided, however, That the indebtedness, both principal and interest, which any school district may be under at the time when it becomes a part, by this amendment or by annexation, of said "District No. 1," shall be paid by said school district so owing the same by a special tax to be fixed and certified by the board of education to the council which shall levy the same upon the property within the boundaries of such district, respectively, as the same existed at the time such district becomes a part of said "District No. 1," and in case of partially included districts such tax shall be equitably apportioned upon the several parts thereof.

Section 8. Anything in the Constitution of this state in conflict or inconsistent with the provisions of this amendment is hereby declared to be inapplicable to the matters and things by this amendment covered and provided for.

Section 2. Each elector voting at said election and desirous of voting for or against said amendment, shall deposit in the ballot box his ticket whereon shall be printed the words "For Home Rule for Cities" and "Against Home Rule for Cities" and shall indicate his choice by placing a cross opposite one or the other of said groups of words.

Section 3. The votes cast for the adoption or rejection of said amendment shall be canvassed and the result determined by the laws of the state for the canvass of votes for representatives in congress.

THE CHARTER
OF
THE CITY AND COUNTY OF DENVER

THE CHARTER

Of the City and County of Denver

PREFATORY SYNOPSIS.

The second charter convention submits to the people of the city and county a draft of a charter comprising fifteen articles, with their proper subdivisions. The total number of sections is 354, and the subjects to which they severally relate are tabulated, with proper references, in the synopsis of contents hereto attached.

Article I defines the boundaries of the city and county as outlined by article XX of the state constitution.

Article II, comprising sections 4 to 23, inclusive, entitled Legislative Department, is intended to define the powers and duties of the council. The dual system now in force is retained, with an increase of the board of supervisors from five to seven in number. The city and county is divided into seven districts, and a supervisor living in each district shall be elected at large. One alderman from each ward is provided for, and the ultimate number of wards limited to twenty-one. Provision is made for the exercise of the initiative and referendum, as required by article XX.

Article III, relating to the executive department, comprises sections 24 to 130, inclusive. The department comprises a mayor, attorney, clerk, recorder, sheriff, coroner, superintendent of schools, assessor, auditor, treasurer, commissioner of supplies, commissioner of sprinkling, department of fire, police and excise, department of public utilities and works, department of parks, department of health, department of charity and correction, a commissioner of highways, and other subordinate appointive positions. The mayor, attorney, clerk, recorder, sheriff, coroner, superintendent of schools, assessor, auditor and treasurer are elective. All other executive officers are appointed. The term of the elective officers is fixed at four years. The members of the board of fire, police and excise, and public utilities and works are appointed by the mayor, the commissioner of excise being ex-officio chairman of the fire and police board. The board of public works is composed of the engineer and highway commissioner, together with the president, to be appointed by the mayor. All appointees are either subject to removal by the mayor for causes not political, or at his pleasure. One mem-

ber of each board must be of different political faith from the others. The members of the park, library and charity and correction commissions serve without compensation. It is believed that due provision is made for all the phases and needs of the executive department.

Article IV comprises sections 131 to 148, inclusive, and relates to the judicial department. Two judges of the county court are provided for, one of whom shall be elected every two years, except that at the first election one of the judges chosen shall serve for a shorter term. Provision is made for three justices of the peace, and as many constables. The police court is abolished, the duties of such court being imposed upon the justices of the peace.

Article V, sections 148 to 165, inclusive, relates to officers and salaries. The duties required of the various officers, their responsibilities and compensation are fixed, and all persons in the employ of the city and county whose salaries are not specifically mentioned are classified as employes. The salaries are, in some instances, increased as are the duties attached to the various positions. In other respects the salaries are those now prevailing.

Article VI, relating to elections, comprises sections 166 to 184, inclusive. The elections are fixed for the third Tuesday of May, 1904, and each alternate year thereafter. An election commission, composed of three members, is created, with full authority in all matters of registration and election. One member of such commission shall be of different political faith from the others, and a salary of \$1,000 per annum is provided for each member.

Article VII, sections 185 to 210, inclusive, relates to the civil service. The convention has named a commission for two years, after which the mayor shall appoint such members for six, four and two years, respectively, and one member shall be appointed every two years thereafter. The commission serves without compensation, and the departments specified in article XX are placed under its control. One member shall be of different political faith from the other two.

Article VIII, sections 211 to 251, inclusive, relates to finance and taxation. It includes provisions for police department relief fund and firemen's pension fund. It is believed that the article fully covers the general subject of the public revenue, including taxation, accounting, appropriations, and bonded and other indebtedness. A limitation is placed upon the amount of public indebtedness, and provision is made for the refunding of all existing liabilities.

Article IX, sections 252 to 264, inclusive, relates to public utilities, and provides for the management and operation thereof.

Article X, sections 265 to 269, inclusive, relating to franchises, repeats the language of article XX upon the subject, and

limits all franchises granted to twenty years. It reserves to the people the right to regulate rates for service, and provides for the granting of licenses or permits, revocable at any time.

Article XI, sections 270 to 332, inclusive, is devoted to the subject of public improvements. The board may initiate paving districts of not to exceed twelve blocks, without petition, but the time for remonstrance has been extended from thirty to sixty days, and the percentage reduced from 51 per cent. to 35 per cent., and no monopoly material can be used. Ample provision is made for necessary sanitary sewers, and for all public improvements needed or desired from time to time, and for the payment therefor by assessments and from the general revenues. The subjects of parks, trees, suburban improvement districts, Cherry creek and Platte river are fully provided for.

Article XII, sections 333 to 337, inclusive, gives the council power to change the channel of Cherry creek.

Article XIII, sections 338 to 347, inclusive, defines the rights and liabilities of the city and county.

Article XIV is the schedule. Provision is here made for the continuation of ordinances. It also contains the usual precautionary requirements naturally falling under this subject.

Article XV, providing for an auditorium, is taken from the charter proposed by the first convention.

PREAMBLE

We, the people of the city and county of Denver, under the authority of the state of Colorado, do ordain and establish this charter for the city and county of Denver.

CHARTER OF THE CITY AND COUNTY OF DENVER.

ARTICLE I.

BOUNDARIES.

Boundaries—How Defined.

Section 1. The boundaries of the city and county, with the powers of annexation, shall be as defined by the constitution and the laws of the state of Colorado.

Sixteen Wards.

Section 2. The city and county may be divided, or resubdivided, by ordinance, into not less than sixteen (16) nor more than twenty-one (21) wards, and into election precincts for election purposes; Provided that until changed by ordinance, and for all the purposes of said election and of membership in the board of aldermen, the territory within the limits of the city and county existing at this time is hereby divided into sixteen (16) wards, corresponding in numbers and boundaries with the wards of the city and county heretofore established and now existing.

Seven Supervisor Districts.

Section 3. The city and county is hereby divided into seven (7) supervisor districts, and for all the purposes of membership in the board of supervisors wards numbers fifteen (15) and sixteen (16) shall be known as district number one; wards numbers six (6) and seven (7), district number two; wards numbers one (1), two (2) and eleven (11), district number three; wards numbers three (3), four (4) and five (5), district number four; wards numbers eight (8) and nine (9), district number five; wards numbers ten (10) and fourteen (14), district number six; wards numbers twelve (12) and thirteen (13), district number seven.

Provided that if the number of wards be changed by the council the boundaries of said districts may also be changed by ordinance; but each ward shall be wholly in such supervisor district, and each district shall be composed of contiguous territory.

ARTICLE II.

LEGISLATIVE DEPARTMENT.

Council—Two Boards.

Section 4. All legislative powers conferred by the constitution upon the city and county, except as otherwise provided, shall be vested exclusively in a council, consisting of a board of supervisors and a board of aldermen. The board of supervisors shall consist of seven (7) members, including a president, to be elected as herein provided, and all members of the board of supervisors shall be elected by the city and county at large; Provided, however, that there shall be one supervisor from each supervisor district; and no person not a resident of the supervisor district from which he is elected shall be eligible for membership in the board of supervisors.

Supervisors—Term Four Years.

Section 5. Members of the board of supervisors shall be elected for the term of four (4) years, except as herein provided.

Supervisors—Two Classes—President.

Section 6. The supervisors at their first session shall be divided into two classes; those elected in districts designated by even numbers shall constitute one class; those elected in districts designated by odd numbers shall constitute the other class. The supervisors of one class shall hold for two (2) years; those of the other class shall hold for four (4) years, to be decided by lot between the two classes; so that one-half of the supervisors, as near as practicable, may be biennially chosen forever thereafter. The board shall, by ballot, elect one of its number as president, who shall hold such position for the term of one (1) year, and until his successor is elected in the same manner.

Aldermen—Term Two Years—President.

Section 7. The board of aldermen shall consist of not less than sixteen (16) nor more than twenty-one (21) members, to be elected by wards, one from each ward of the city and county, and for the term of two (2) years, and they shall by ballot elect one of their number as president of the board, who shall hold such position for the term of one (1) year, and until his successor is elected in the same manner.

Members of Council—Privileges—Duties—Limitations.

Section 8. All members of the council shall be exempt from serving on juries in the courts of this state during their term of office. No person not a citizen of the United States, a resident of the territory comprising the city and county for at least two (2) years, and at least one (1) year a tax payer within said limits of the city and county, and at least twenty-five (25) years of age, shall be eligible for membership in the council; and no person not a resident of the ward from which he is elected, shall be eligible for membership in the board of aldermen.

No member shall hold any other office or employment, compensation for which is paid out of public moneys of the city and county, or be elected or appointed to any office created or the compensation of which was increased, by the council while he was a member thereof, until one (1) year after the expiration of the term for which he was elected, or be interested directly or indirectly in any contract with the city and county. No person who is directly or indirectly interested in any contract with the city and county, or any department or institution thereof, or who is indebted to the state or to the city and county for taxes, or who shall have been convicted of malfeasance in office, bribery or other corrupt practices, shall be qualified for membership in the council.

Council Meetings—Clerk.

Section 9. Each board of the council shall hold regular meetings twice in each month, at the city hall, but the regular meetings of the two boards shall not be held in the same week; and until otherwise provided by ordinance the regular meetings of the board of aldermen shall be held on the first and third Thursdays, and of the board of supervisors on the second and fourth Thursdays. The council shall sit with open doors, and keep a journal of its proceedings. The clerk of the city and county shall be the clerk of the council.

President—Duties—Expulsion of Members, Etc.

Section 10. The president of each board shall preside at all meetings of his board, and shall have a vote upon all measures pending therein. He shall appoint all committees and exercise such other powers as are usually vested in a presiding officer. Each board may in the temporary absence of its president, or his inability to perform the duties pertaining to his office, elect a president pro tem, who shall be temporarily clothed with the powers and duties of the president, but shall not be entitled to receive any additional salary. The proceedings of each board in electing such president pro tem shall be evidenced by a suitable record thereof.

Each board shall be the sole judge of the qualifications, election and returns of its own members. It shall have power to determine the rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members elect, expel a member. A majority of the members elect of each board shall constitute a quorum; a smaller number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as each board shall provide.

Journal—Majority of Members Elected Necessary to Any Action.

Section 11. A journal of the proceedings of each board shall be kept by the clerk or a deputy clerk of the city and county, upon which shall be entered each vote taken by ayes and

noes; and no action of either board, except an adjournment, shall have any force unless a majority of all of the members elected shall have voted in favor thereof.

Absence Without Excuse—Forfeit \$10.00.

Section 12. If any member of either board shall be absent from any regular meeting thereof without being excused, he shall forfeit to the city and county ten dollars (\$10.00) of his compensation for any such absence; and the journal record of the roll call shall be conclusive on the question of his presence or absence. The clerk keeping the journal shall immediately after each meeting notify the auditor of the name of any absentee, who shall deduct all such forfeitures from the absentee's monthly salary next to be paid.

Ordinances—How Passed, Etc.

Section 13. The council shall act only by ordinance in matters of legislation, contract, appropriation or expenditures of money and by ordinance or resolution in other matters. All ordinances or resolutions, except ordinances making appropriations, shall be confined to one subject, which shall be clearly expressed in the title. If any subject shall be embraced in any ordinance which shall not be expressed in the title, such ordinance shall be void only as to so much thereof as shall not be so expressed. Ordinances making appropriations shall be confined to the subject of appropriations. No ordinance shall be passed except by bill, and each bill when introduced shall be read at length and referred to a committee and shall not be subsequently so altered or amended as to change its original purpose. Bills may originate in either board and may be amended or rejected by either board. They shall be reported back to the board by the committee within five (5) days after such reference, or at the next regular meeting of the board after the expiration of said five (5) days unless a later day is designated when such reference is made. The ayes and noes shall be taken upon the passage of all ordinances and resolutions and entered upon the journal.

No ordinance shall take effect until published in some newspaper of general circulation published in the city and county, or in book or pamphlet form, by authority of the council. No bill or resolution authorizing the expenditure of more than five thousand dollars (\$5,000.00), except in case of local improvements to be paid for, in whole or in part by special assessments, shall be passed until after the expiration of one week from and after the introduction of the same, nor until advertisement has been made by the clerk for at least five (5) days in some such newspaper, stating the general nature of the contract or expenditure as the case may be, and in case of the adoption of any amendment altering the contract or expenditure the proposed time shall be advertised in like manner before final action thereon. No bill for the publication of ordinances in newspapers shall be paid until

the publication thereof shall be evidenced by affidavit of the publisher of same or some one authorized to act in his behalf, such affidavit to be accompanied by the ordinance as published.

No ordinance shall be revived or amended or the provisions thereof extended or conferred, by reference to the title only; so much thereof as is revised, amended, extended or conferred, shall be re-enacted at length.

Enacting Clause.

Section 14. The style of all ordinances shall be: "Be it enacted by the council of the city and county of Denver."

Veto by Mayor.

Section 15. Every ordinance or resolution passed by the council shall be presented to the mayor within twenty-four (24) hours thereafter. If he approves such ordinance or resolution he shall sign it within five (5) days after receiving it; if he shall disapprove it, he shall within five (5) days after receiving it return the same with his objection in writing to the board in which it originated, which board shall enter the objections at large upon its journal and proceed to reconsider the same. If then two-thirds of the members agree to pass the same, it shall be sent, together with the objections, to the other board, by which it shall be likewise reconsidered, and if approved by two-thirds of the members elected to that board it shall become an ordinance or resolution, notwithstanding the objections of the mayor. In all such cases a vote of each board shall be determined by ayes and noes to be entered upon the journal. If the mayor do not return the resolution or ordinance with such disapproval within the time specified, it shall take effect as if he had approved it. In an ordinance appropriating money, the mayor may approve or disapprove any item; as to the items approved the ordinance shall take effect as in case of other ordinances approved. As to the items disapproved, the same shall be reconsidered by the council as in other cases of disapproval.

Council No Executive Power.

Section 16. Whenever an executive or administrative function shall be required to be performed by ordinance, the same shall be performed by the proper executive department, and not by the council. Such ordinance shall designate the department which is to perform the duties thereunder. If such designation be not made the mayor shall assign such duties to the proper department. The council shall not, except as herein provided, appoint any person to any office or employment, or create any new department.

Council—Powers of.

Section 17. Except as otherwise provided in this charter, the council shall have power to appropriate all money necessary for the expenses of the city and county and to transfer the unex-

pending balance of such appropriation not needed for the purpose for which it was made.

The council shall have power to enact and provide for the enforcement of all ordinances necessary to protect life, health and property, to declare, prevent and summarily abate and remove nuisances; to preserve and enforce the good government, general welfare, order and security of the city and county and the inhabitants thereof; to enforce ordinances and regulations by ordaining fines not exceeding three hundred dollars or imprisonment not exceeding ninety (90) days, or both fine and imprisonment for each and every offense; the council, or a committee thereof duly authorized by it, shall have power to investigate any department of the city and county and the official acts and conduct of any officer thereof, and may compel the attendance and testimony of witnesses and the production of books and documents. No enumeration of particular powers granted to the council shall be construed to impair any general grant of power herein contained, nor to limit any such grant to powers of the same class or classes as those so enumerated.

Amendment of Bills.

Section 18. If a bill shall be amended and passed by either board other than the board in which the same originated, it shall be returned with the amendments to the board in which the same originated; and the vote shall be taken upon the bill as amended, but no further amendments shall be made to such bill after such return. All amendments adopted by either board to any bill or resolution shall be incorporated with the original bill or resolution by engrossment, and re-read in full before final passage; and no bill shall become an ordinance, nor shall any resolution take effect, unless signed by the president or by the president pro tem. of each board.

Special Meetings.

Section 19. The mayor may call special meetings of either board of the council, and upon written application of a majority of the members of either board, shall call special meetings of such board, by causing twenty-four (24) hours' notice in writing to be served upon the members thereof; and a copy of the notice thus served shall be entered upon the journal. The notice shall state the objects for which the meeting is called; and the business of such meetings shall be confined to the objects so stated. Service of such notice may be made by delivering a copy personally to each member, or by leaving a copy thereof at his usual place of residence with a member of his family over the age of fifteen (15) years. Service may be made by any police officer of the city and county and his return thereon shall be prima facie evidence of service, as therein set forth; but such special meetings of the two boards shall not be held on the same day.

INITIATIVE, REFERENDUM AND RECALL.

General Provisions.

Section 20. Any measure, charter amendment, or proposal for a charter convention, may be submitted to a vote of the qualified electors in the manner provided by the constitution. Nothing in this section shall apply to the provisions contained in this charter regarding the initiative and referendum concerning ordinances.

Referendum—Ordinance Take Effect After 30 Days—Petitions—Special Election.

Section 21. No ordinance passed by the council shall take effect before thirty days after its final passage and publication, except an ordinance calling a special election or necessary to the immediate preservation of the public health or public safety. If within said thirty days a petition signed by qualified electors equal in number to at least fifteen per cent of the last preceding vote for mayor shall be filed protesting against such ordinance or any part thereof taking effect, such ordinance or such part thereof so protested against shall thereupon and thereby be suspended from taking effect and the council shall immediately reconsider the same, and if the same be not repealed the council shall forthwith publish the same, as other ordinances are published, if no publication has theretofore been made, and shall submit the same to a vote of the qualified electors at the next general municipal election not held within thirty days after such petition is filed, or at a special election to be called thereafter by the council for that purpose, and such ordinance or part thereof shall not take effect unless a majority of the qualified electors voting thereon at such election shall vote in favor thereof. If such petition shall be signed by qualified electors equal in number to at least five per cent, but less than fifteen per cent of the last preceding vote for mayor, the council shall submit such ordinance or part thereof to a vote of the qualified electors at the next ensuing general municipal election not held within thirty days after such petition is filed. The council may on its own motion submit at a general or special municipal election any ordinance passed by it in the same manner and with the same force and effect as hereinabove provided, but without any petition being required therefor. No ordinance defeated by a vote of the people shall be re-enacted or passed by the council. Any provision of the charter in conflict herewith is hereby repealed.

(As amended May 17, 1910.)

Initiative—Petition—General or Special Election—Publication—Not Repealed by Council.

Section 22. Any proposed ordinance may be submitted to the council by petition therefor of qualified electors equal in number to at least five per cent. of the last preceding vote for mayor, and such proposed ordinance shall be passed without

alteration by the council, and if vetoed by the mayor shall be passed over his veto, within thirty days after such petition is filed, or the council shall refer such proposed ordinance to the qualified electors at the next municipal election held not less than sixty days after such petition is filed. If such petition contain a request for a special election and is signed by qualified electors equal in number to at least fifteen per cent. of the last preceding vote for mayor, the ordinance thereby proposed shall be passed by the council without amendment or change, and if vetoed by the mayor, shall be passed over his veto, within thirty days after such petition is filed, or the council shall refer such proposed ordinance to the qualified electors at a special election which shall be called within said thirty days and held not less than sixty, nor more than ninety days after such petition is filed, unless a general or special election is held within said period of time, in which case such proposed ordinance shall be submitted to a vote at such election. The council shall cause such proposed ordinance to be published in some daily newspaper of general circulation once each week until such election is held. No ordinance adopted by vote of the people shall be repealed or amended by the council. Any provision of the charter in conflict herewith is hereby repealed.

(As amended May 17, 1910.)

Procedure—Ballot—Adoption—Inconsistent Measures—Election—Registration.

Section 22-a. The general ballot used at any such election shall have printed on it the title of each ordinance submitted and on separate lines under said title the words "For said Ordinance" and "Against said Ordinance" (or part thereof, as the case may be). If a majority of the qualified electors voting on any proposed ordinance or part thereof shall vote in favor thereof the same shall thereupon become and be in full force and effect. If two or more proposed ordinances or parts thereof adopted or approved at the same election are inconsistent then the respective ordinance or part receiving the largest affirmative vote shall prevail, and the form of submission of inconsistent ordinances or parts thereof shall be such that the voters may clearly express their choice. Such election shall be held and the returns forthwith canvassed, certified and published as in other elections. For all special elections at which any measure, charter amendment or proposal for a charter convention shall be submitted, all those acts as to registration required by the statute to be performed between the forty-fifth and the twenty-fifth days before such election shall be done and completed between the thirtieth and the twenty-fifth days before such election. Any provision of the charter in conflict herewith is hereby repealed.

(New section adopted May 17, 1910.)

Recall — Petition — Grounds — Special Election — Candidates and Nominations — Who Elected.

Section 22-b. Any elective officer is subject to recall as here-in provided and may be removed from office by a petition of the electors and an election held thereunder, but no person shall be so removed from office within six months after his election there-to. The petition shall name the officer to be removed and be signed by qualified electors equal in number to at least twenty-five per cent. of the vote cast, in the city, district, or ward, as the case may be, for all candidates for such office at the election at which such officer was elected, and shall contain a statement of the grounds upon which it is sought to remove him. The council shall, within thirty days after such petition is filed, call an election to be held not less than sixty nor more than ninety days after such petition is filed, unless a general or special election is held within said ninety days and not less than thirty days after the filing of such petition, in which case the recall shall be submitted at such election. The name of the official sought to be recalled shall be printed as a candidate on the official ballot at such election, unless he decline in writing. Other nominations may be made as at a regular election. Should the incumbent fail to receive the greatest number of votes or decline to be a candidate he shall thereby be forthwith removed from office, and the candidate receiving the greatest number of votes at said election shall qualify and hold such office. Any provision of the charter in conflict herewith is hereby repealed.

(New section adopted May 17, 1910.)

Petitions — Form — Filed With City Clerk and Transmitted to Election Commission — Protest — Sufficient and Insufficient Petitions — Findings — Submission.

Section 23. The signatures to petitions need not be on one paper. The circulator of each such paper, which may consist of one or more sheets, shall make an affidavit thereto that each signature thereon is the signature of the person whose name it pur-ports to be. The residence address of each signer shall accom-pany the signature. All petitions under the six preceding sec-tions shall be filed with the clerk of the council and by him forthwith transmitted to the election commission, and all peti-tions shall be deemed and held to be sufficient if they appear to be signed by the requisite number of signers and such signers shall be deemed and held to be qualified electors unless a protest in writing, under oath, shall be filed with the election commis-sion by some qualified elector within five days after such petition is filed setting forth the name of each signer protested against and the ground of such protest. Whereupon the election commission shall as soon as possible and within twenty-four hours mail a notice to each signer so protested against at his address given in the petition requiring such signer to be and appear before said commission at a time fixed in said notice, not less than twenty-

four hours nor more than forty-eight hours after the mailing of such notice and to defend against the evidence, if any, produced by protestant. If any signer so notified shall fail to appear and satisfactory evidence is given against his qualifications as such signer, his name shall be stricken from the petition. All evidence shall be under oath and any signer present at the hearing may be called as a witness by protestant or testify in his own behalf. All hearings shall be summary and not subject to delay and shall be concluded within fifteen days after such petition is filed. The commission shall forthwith certify the result of its examination to the clerk of the City and County of Denver and serve a copy of such certificate upon the person or persons named in the petition as representing the signers thereof. In case the petition is insufficient it may be withdrawn by the person or persons named therein as representing the signers and may, within fifteen days thereafter be amended and refiled as an original petition. When the petition contains a sufficient number of signatures the commission shall forthwith file the same with said clerk, who shall forthwith transmit the same to the council, which shall call an election as provided in the preceding sections. The finding of the election commission as to the sufficiency of any petition shall not prevent the same being reviewed by any state court of general jurisdiction upon petition of the person or persons representing or signing such petition. All petitions filed by the election commission in the clerk's office shall remain there and shall be public records. When any petition contains a form of submission of the measure or amendment or ordinance petitioned for and such form is a reasonably fair description thereof the same shall be certified by the election commission and placed on the ballot and no petition filed subsequently shall be permitted to use any form of submission that is so similar to the one previously filed as to tend to confuse the voter, and in case of such conflict the persons representing the subsequent petition may file a form of submission which shall be certified by the election commission and placed upon the ballot, provided the same shall fairly describe the measure, amendment or ordinance petitioned for and not be in conflict with any prior forms of submission nor tend to confuse the voter. Any provision of the charter in conflict herewith is hereby repealed.

(As amended May 17, 1910.)

ARTICLE III.

EXECUTIVE DEPARTMENT.

Executive Officers.

Section 24. The executive power of the city and county shall be vested in a mayor, sheriff, treasurer, auditor, attorney, clerk, assessor, recorder, coroner, county superintendent of schools, and in the departments and commissions herein created.

MAYOR.

Mayor—Chief Executive—Messages to Council—Remit Fines.

Section 25. The mayor shall be the chief executive, and enforce all laws and ordinances. He shall from time to time give the council information of the condition of the city and county and recommend such measures as he may deem expedient. He may remit fines and penalties imposed for the violation of any ordinance, and shall report such remissions to the council at its next meeting, with his reasons.

Reports to Mayor.

Section 26. The mayor shall see that all contracts and agreements with the city and county are faithfully kept and fully performed. The head of every department and commission shall report to the mayor all facts and information coming to his knowledge concerning the violation of any contract or agreement with the city and county.

Posse Comitatus.

Section 27. The mayor may call upon every male inhabitant over the age of eighteen years to aid in enforcing the laws and ordinances, in preventing and extinguishing fires and in preserving the public peace and safety. Any person who shall refuse or wilfully neglect to obey such call shall be subject to a fine of not more than three hundred dollars.

Acting Mayor.

Section 28. When the mayor is unable for any cause to perform the duties of his office, the president of the board of supervisors shall be the acting mayor; and when both the mayor and the president of the board of supervisors are for any cause unable to perform the duties of said office, the president of the board of aldermen shall be the acting mayor; and in case of death, resignation or removal of the mayor, the president of the board of supervisors shall become mayor, and the board of supervisors by ballot shall elect one of its remaining number as president, who shall hold such position for the unexpired term and until his successor is elected.

No ordinance or resolution shall be approved or vetoed by the acting mayor until the last day when the same could be approved or vetoed by the mayor, nor shall any appointment to office be made by such acting mayor.

Bonds, Contracts, Etc., Signed by Mayor—Attested by Clerk.

Section 29. All bonds, contracts or other instruments of writing, requiring the assent of the city and county, shall be subscribed by the mayor, or acting mayor, as the case may be, under the seal of the city and county, and attested by the clerk. All legal process against the city and county shall be served upon the mayor or acting mayor.

Offices—When Open.

Section 30. The city and county offices shall be in the public buildings of the city and county, and shall be open from 9 a. m. until 5 p. m., Sundays and legal holidays excepted.

Vacancies—How Filled.

Section 31. Whenever a vacancy shall occur in any appointive office, the same may be filled by the mayor, appointing board, commissioners or officers, as in the case of an original appointment, with the same power of suspension or removal; whenever a vacancy shall occur in either board of the council, the same shall be filled by the mayor, by and with the consent of the same board. Whenever a vacancy shall occur in any elective office, other than that of a member of the council, the same may be filled for the remainder of the term by the mayor, by and with the consent of the board of supervisors.

Rules of Departments—How Established.

Section 32. Heads of the departments shall make rules and regulations, not inconsistent with the charter and ordinances of the city and county, for the government of their departments, and enforce the same, and from time to time shall meet with the mayor and confer on matters of general importance to the business of the city and county.

Bureau of Street Sprinkling.

There shall be a bureau of street sprinkling which shall be under the control of the mayor. The mayor shall appoint a superintendent of the bureau, who, within the appropriation for street sprinkling, may employ such employes as may be necessary to transact the business of the bureau. The term of office of the superintendent shall be four (4) years.

ATTORNEY.

General Duties.

Section 33. The department of law shall be in the control of the attorney for the city and county. He shall be the legal adviser of the mayor, council and heads of departments, and conduct all cases in court wherein the city and county, or any officer thereof in his official capacity, is a party or interested in any manner. He shall prepare all contracts, bonds and other instruments to which the city and county or any officer, board or commission thereof is officially a party. He shall also perform such additional duties as are imposed on county attorneys by the general statutes of the state.

All bills for ordinances for franchises of any kind, for licenses and concerning taxation, shall be referred to him for his opinion, and within five days he shall return the same to the council with a written opinion thereon. When directed by the mayor in writing, or by the council, he shall institute any suit,

action or proceeding, upon behalf of the city and county or any board, commission or officer thereof.

Dockets and Records.

Section 34. The attorney shall keep office dockets of cases, properly indexed and numbered, and record therein all proceedings in such cases, keep files of all cases, except those for violation of ordinances in the justice courts, containing copies of papers filed therein, preserve, index and bind records and printed briefs in the appellate courts in cases in which the city and county is a party in interest, all briefs prepared by him, all written opinions and official correspondence, and secure, index, bind and preserve copies of all written opinions rendered in the city and county cases in *nisi prius* courts. All such dockets, files and papers shall be the property of the city and county, and shall be delivered by the attorney to his successor in office.

Reports—Annually.

Section 35. On or before the first day of February of each year the attorney shall make a report covering the last fiscal year, showing all suits commenced and pending in courts of record, the docket number and title, the demand or relief sought, and, if final judgment has been rendered, the amount or nature thereof, whether an appeal has been taken, and where the city and county has sought affirmative relief and the determination thereof has been delayed, the reasons therefor, the amount of judgments for and against the city and county, the amount of fines imposed, and such other information as may be required by the mayor or council.

Assistants.

Section 36. The attorney may employ a first, second and third assistant and a stenographer. The council may, by ordinance, authorize the attorney to employ a police officer as an assistant, under his direction, to investigate the facts in actions brought for or against the city and county or its officers.

Whenever emergency of litigation for or against the city and county shall, in his opinion, require it, the attorney, with the advice and consent of the mayor, shall employ special counsel to assist the attorney. The compensation of such counsel shall be paid out of the appropriation for the department of law.

CLERK.

General Duties.

Section 37. The clerk, or a deputy, shall attend all meetings of the council, and keep a record of the proceedings; shall have the custody of the seal of the city and county, the original rolls of ordinances, original contracts, title deeds to public property, all official indemnity or security bonds, except his own bond, which shall be filed and placed in the custody of the auditor, and

other records, papers and documents not required to be deposited with any other officer.

He shall attest all public instruments and official acts of the mayor, or acting mayor, and all instruments requiring the seal of the city and county, by his signature and the seal of the city and county; and shall also certify under his hand and the seal of the city and county all copies of such original documents, records and papers in his office as may be required by any officer or person, and shall charge therefor such fees, for the use of the city and county, as may be provided by general law or by ordinance.

The clerk shall perform such other duties, not inconsistent with the duties imposed by the charter, as the council may by ordinance direct.

He shall appoint a deputy, who shall have power to perform the duties of the clerk, and may also employ such other assistants within his appropriation as are now or hereafter may be authorized by ordinance.

On or before the fifth day of each month the clerk shall make a full and complete report of the business and receipts of his office during the preceding month, which shall be executed in triplicate, one copy thereof delivered to the treasurer, one to the auditor and one to the mayor.

Certified Copies of Records—Evidence.

Section 38. Copies of all papers filed in the office of the clerk, and transcripts of the records of the council, and any record in the office of the clerk, duly certified by him, under the corporate seal of the city and county, shall be received as evidence in all courts of this state.

SEAL.

Provided by Ordinance.

Section 39. The council shall provide by ordinance for an appropriate seal for the city and county.

RECORDER.

General Duties.

Section 40. The recorder is hereby designated as the officer who shall perform the acts and duties now required or that may be hereafter required, to be performed under and by the constitution and general laws of the state by the ex-officio recorder of deeds, together with such other acts and duties as may be provided by the charter and ordinances. He shall have custody of and safely keep and preserve all the books, records, deeds, maps and papers deposited or kept in his office and transmit the same to his successor.

Reports—Monthly.

Section 41. On or before the fifth day of each month the recorder shall make a full and complete report of the business and receipts of his office during the preceding month, which shall

be executed in triplicate, and one copy thereof delivered to the treasurer, one to the auditor and one to the clerk.

SHERIFF.

General Duties.

Section 42. The sheriff is hereby designated as the officer who shall perform the acts and duties, and appoint an undersheriff and deputies, as now required or that may hereafter be required of sheriffs under and by the constitution and the general laws of the state, and he shall be subject to all liabilities provided thereby. He shall perform such other acts and duties as may be provided by the charter and ordinances.

Reports—Monthly.

Section 43. On or before the fifth day of each month the sheriff shall make a full and complete report of the business and receipts of his office during the preceding month, which shall be executed in triplicate, and one copy thereof delivered to the treasurer, one to the auditor and one to the clerk.

CORONER.

General Duties.

Section 44. The coroner shall perform the duties of the office of coroner as prescribed by the general laws of the state, and such other duties not inconsistent with such laws as the council may, by ordinance, require.

COUNTY SUPERINTENDENT OF SCHOOLS.

General Duties.

Section 45. There shall be a county superintendent of schools, who shall perform such duties as are prescribed by the general laws of the state to be performed by county superintendents of schools, and who shall perform such other duties, not inconsistent with the general laws of the state, as may be prescribed by ordinance.

ASSESSOR.

General Duties.

Section 46. The assessor shall assess all taxable property within the city and county at the time and in the manner prescribed by the general laws of the state and provisions of this charter, and shall perform such other duties not inconsistent with such laws and the provisions of this charter as the council may by ordinance require.

AUDITOR.

General Duties.

Section 47. The auditor shall be the general accountant of the city and county. He shall receive and preserve in his office all accounts, books, vouchers, documents and papers relating to the accounts and contracts of the city and county, its debts, revenues and other fiscal affairs not required to be kept by the clerk,

and except as otherwise provided in this charter, or by ordinance, prescribe the mode of keeping, dating and rendering all accounts. He shall provide and keep in his office tables of the finances, assets and liabilities of the city and county, and keep all contracts, names of contractors, and names of employes in such manner as to show the department in which they are employed, their respective salaries, powers, duties and how appointed. He shall require all claims, settlements, returns, and reports made to him to be verified. He shall give information as to the exact condition of the treasury, and of every appropriation and fund thereof, upon demand of the mayor, council or any committee thereof.

He shall sign all warrants, countersign and register all contracts, keep a true and accurate account of the revenues, receipts and expenditures of the city and county, and each of the different funds thereof, furnishing to each department weekly a statement of the unexpended appropriation of that department; see that rules and regulations are prescribed and observed in relation to accounts, settlements and reports; that no appropriation of funds is overdrawn or misapplied, and that no liability is incurred, money disbursed or the property of the city and county disposed of contrary to law or ordinance, and shall perform such other duties not inconsistent with the provisions of this charter, as the council may by ordinance require.

He shall keep an official record of all demands audited by him showing the number, date, amount, name of the original holder, on what account allowed, against what appropriation drawn, out of what fund payable, and by what officer or department previously approved; and he shall allow no demand unless the same has been approved by every department, commission or officer required to act thereon.

He shall keep a register of warrants showing the funds upon which they are drawn, the number, in whose favor, for what services, and the appropriation applicable to the payment thereof.

Demands—How Audited.

Section 48. Every demand upon the treasurer, except the salaries of the auditor and his employes, shall before payment, be presented to the auditor, who shall determine that the money is legally due, its payment authorized by law, against what appropriation and out of what fund it is payable. If he allow it, he shall endorse upon it the word "allowed," with the name of the fund out of which it is payable, the date of allowance, and sign his name thereto; if he does not allow it, he shall endorse upon it the word "rejected." No demand shall be approved or paid unless presented as required by this charter.

Bonds, Warrants, Etc.—Cancellation of.

Section 49. When bonds, coupons or warrants are paid and redeemed, and such payment reported to the council, the auditor shall certify the same with the numbers and amounts thereof to the mayor, whereupon the mayor, clerk and auditor shall examine such evidences of indebtedness, and if found to be genuine and correct shall make an abstract thereof, mark them, "canceled," and deposit them with the clerk, certifying the same to the council, which certification shall be spread at length upon the journal.

Reports—June 30th and January 15th.

Section 50. The auditor shall make a verified statement to the council showing receipts and disbursements and the condition of each fund at the close of business on June thirtieth, and shall also make and transmit to the council on or before January fifteenth a verified report of the financial transactions of the city and county during the preceding fiscal year.

TREASURER.

General Duties.

Section 51. The treasurer shall receive, receipt for and keep the money of the city and county and pay out the same only on warrants as herein provided.

Duplicate Receipts.

Section 52. The treasurer, on receiving any money, except for taxes and assessments, shall make duplicate receipts therefor, upon the face of one of which shall appear the word "original," and upon the face of the other the word "duplicate;" they shall be numbered, dated, specify the amount, on what account, from whom received and into what fund or on what account paid. He shall enter upon the stub of such receipt a memorandum of the contents thereof, and deliver the receipt marked "original" to the payor and that marked "duplicate" to the auditor, who shall stamp thereon the date of its delivery to him, charge the treasury with the amount and file the receipt in his office.

Accounts With the Several Funds.

Section 53. He shall keep an account with each fund, special or general, and when a warrant is drawn on any particular fund it shall be paid out of that fund only.

Warrants.

Section 54. No money shall be paid out by the treasurer for any purpose except upon warrants drawn upon him by the auditor unless otherwise provided by this charter. Each warrant shall be registered by the auditor, countersigned by the head of the department or clerk of the court, respectively, under whom the claim or demand covered by such warrant originated. Each warrant shall show on its face the date of its issue, the date of the order of the council or such officer, to whom and for what

purpose issued, and from what fund payable. Every warrant issued as in this charter required, shall when paid be canceled with a punch cutting the word "canceled" therein and the proper entry thereof made. Provided, the treasurer may pay the interest and principal on bonded indebtedness including special improvement bonds as the same become due without a warrant having previously issued therefor.

Reports to Auditor—Monthly and Annually.

Section 55. At the beginning of each calendar month, the treasurer shall report the transactions of his office during the previous month to the auditor, showing the amount of money received, from what source, and on what account, with a list of all city and county warrants, bonds and orders which have been redeemed by him, or paid into the treasury as money due the city and county, which warrants, bonds, and orders shall accompany his reports for cancellation, which report shall be audited by the auditor and certified by him to the council. The treasurer shall also make an annual report of the transactions of his office on or before the second Monday in January, and from time to time such other reports as may be required by the council. If the treasurer shall fail to report as provided by this section, he shall forfeit and pay to the city and county the sum of five hundred (\$500) dollars for every such failure.

Reports to Council—Quarterly.

Section 56. The treasurer shall, on or before the second Monday in January, April, July and October make to the council and auditor a detailed verified statement of all his accounts and the state of each fund, which shall show all moneys received, from what source and for what purpose, and of all moneys paid out, and to whom and for what purpose. A summary of these quarterly reports shall be published by the auditor with the summary of his annual report.

Bond—Surety Company—Cost Paid by City.

Section 57. The treasurer shall give a bond to the city and county with sufficient sureties, which sureties shall be responsible surety companies, to be approved by the mayor and council, in the sum of five hundred thousand dollars, and for such additional sum as the mayor and council shall require, conditioned as required by the general statutes relating to bonds of county treasurers and as may be further required by ordinance, and for paying over to his successor in office all such sums of money belonging to the city and county as shall be in his hands, and to account for and turn over to his successor all moneys deposited with him for any cause whatsoever, and all city and county property which may come to his hands.

The cost of said bond shall be borne by the city and county, to be audited, allowed and paid out of the treasury as provided for the payment of other general expenses.

Bank Depository—Interest on Deposits.

Section 58. The treasurer shall, with the approval of the mayor and auditor, select annually, or oftener if necessary, one or more banks or banking institutions in the city and county which will pay the highest interest for the average current deposit of the city and county funds. Before any such deposit shall be made the bank shall give a bond to the city and county with such conditions and in such sum as may be determined by the mayor, auditor and attorney, but not less than the maximum amount which shall be on deposit at any time. The sureties shall be approved by the mayor, auditor and attorney, and shall be other than the surety on the treasurer's bond. No amount which may be due any depository on account of any evidence of the city and county indebtedness shall be accepted by the treasurer as an offset against his deposit with such bank. A verified quarterly statement shall be made to the mayor and auditor by the president or cashier of such bank, showing the amount of interest paid or to be paid by such bank for the use of the city and county funds, and upon failure to make such report after written demand the bank shall forfeit to the city and county the sum of five hundred dollars, and the deposit then remaining in such bank shall immediately be removed and another bank or banks selected as above provided. The surety on such bond shall be a responsible surety company.

Other Duties.

Section 59. The treasurer shall, in addition to performing the duties herein specifically required, perform such other duties not inconsistent with the laws of the state and this charter as the council may by ordinance require.

COMMISSIONER OF SUPPLIES.

General Duties.

Section 60. There shall be a commissioner of supplies appointed by the mayor for a term of four (4) years. He shall have control of the department of supplies. He shall be custodian of public buildings and all personal property not in use by the several departments. He shall keep books showing purchases and deliveries to the various departments. He shall, in December of each year require an inventory of the property in use by each department. He shall be the purchasing agent of the city and county, and no purchase shall be made nor liability created for supplies by any other person in the name of the city and county. He is hereby authorized to appoint a deputy commissioner of supplies, who may exercise any and all of the powers and duties of the commissioner of supplies, and such other employees, within his appropriation as may be necessary. Such appointments to be approved by the mayor.

Purchases Made on Requisitions—Bids for Supplies, Etc.

Section 61. Purchases shall be made only by the commissioner of supplies upon requisition signed by the head of the department requiring such supplies, specifying the articles required. The commissioner shall make monthly reports of purchases, at what price, upon whose requisition, and in December of each year shall render to the mayor a complete inventory of all city and county property, and such reports and inventories shall be transmitted by the mayor to the council. He shall, during the month of December in each year advertise in the official paper for at least ten days for sealed proposals for furnishing supplies required by the city and county for the ensuing year. All bids shall be made in duplicate and sealed; one copy filed with the commissioner of supplies, and one copy with the clerk. The right is reserved to reject any and all bids. At the time specified in the notice the bids shall be opened by the commissioner in the presence of the mayor and auditor, the bidders may be present and may inspect all bids. With the approval of the mayor or auditor, the commissioner may award to the lowest responsible and reliable bidder, contracts for furnishing such supplies. The contractor shall give bond approved by the mayor.

If during the year supplies not included in the annual contracts may be needed, advertisements for bids shall be made for five days; if impracticable to advertise, sealed proposals shall be invited from at least three responsible persons dealing in the articles required, and the bids shall be opened and contracts awarded as hereinbefore provided.

Advertising—Daily Paper—Bids.

Section 62. Contracts for official advertising shall be let annually in like manner to the lowest responsible bidder publishing a daily newspaper of general circulation in the city and county printed in the English language. All bids may be rejected and again be advertised for, if so determined by the commissioner of supplies and either the mayor or auditor. Such advertising shall include the publication of all official notices, ordinances and other matters required to be published; and where by this charter or by ordinance, any such publications are required to be made in more than one newspaper, then the official paper shall be one of the newspapers in which such publication shall be made. The commissioner may omit from the contract the publication of the delinquent tax list, but if so omitted, the publication thereof shall be let to the lowest bidder on a separate bidding.

INSPECTION.

Buildings—Electricity—Plumbing—Fire Wardens—Boilers and Elevators—Market Master—Electrician.

Section 63. There shall be a building inspector appointed by the mayor, who shall be an architect or practical builder of not less than five years' experience, whose term of office shall be

four (4) years. It shall be his duty to inspect all buildings in process of construction or repair, and he shall have the power to inspect all other buildings to ascertain if the ordinances in regard to buildings are being complied with, and shall keep a record of such inspections. In case the ordinances are not being complied with, he shall make a report thereof to the mayor and attorney. It shall be his duty to make all complaints charging violations of the building ordinances.

The inspectors of electric wiring and plumbing shall make reports to the building inspector and such reports shall be entered of record in his office.

It shall be the duty of the fire wardens to make prompt report to the building inspector in every case where they may find any building or structure in an unsafe or defective condition. Such report shall be entered of record in his office.

There shall also be one boiler and elevator inspector, one market master, one electrician, all of whom shall be appointed by the mayor for the term of four (4) years. Except as otherwise herein provided, the qualifications, powers, duties and liabilities of the officers mentioned in this article shall be as prescribed by ordinance; and within their respective appropriations they shall have power to appoint such assistants as may be necessary, until otherwise changed by ordinance.

DEPARTMENT OF FIRE, POLICE AND EXCISE.

Board—How Appointed and Removed—Powers.

Section 64. There shall be, and hereby is created, a fire and police board, composed of a commissioner of excise, who shall be president of the board, a commissioner of police, and a commissioner of fire; each to be appointed by the mayor for a term of four (4) years, one of said members to be of different political faith from the other two. Any member of said board may be removed by the mayor for any cause, except political, provided that any charges preferred by the mayor shall be in writing and served on such member at least ten (10) days before the hearing thereon and at the hearing, the mayor shall permit such member to appear in person and by attorney, and within a reasonable time present any defense he may have. The decision of the mayor shall be final. Pending the hearing the mayor shall have power to suspend such commissioner. The board shall have charge and control of the departments of fire, police and excise, except as herein otherwise provided. The board shall appoint a secretary at a salary not exceeding eighteen hundred dollars (\$1,800.00) per year, payable out of the treasury, to keep the records and perform such other duties as may be required by the board. The board may appoint other assistants at salaries not exceeding twelve hundred dollars (\$1,200.00) each per year, payable out of the appropriation at the disposal of the board. The board shall be furnished, at the expense of the city and county,

with convenient offices, stationery and all facilities for the performance of its duties as may be by the board deemed requisite.

Chief of Police—Duties of Police Force.

Section 65. The police force shall be composed of the chief of police and such subordinate officers, policemen and other employes to be appointed by the board as may be necessary to preserve the peace, protect persons and property, and enforce laws and ordinances. The term of office of the chief of police shall be four (4) years subject to removal at any time by the board; *Provided*, that any charges preferred shall be in writing and served at least ten (10) days before the hearing thereon; and at the hearing the board shall permit him to appear in person and by attorney, and within a reasonable time present any defense he may have. Pending the hearing, the board shall have power to suspend him. The decision of the board in the premises shall be final.

It shall be the duty of the police force to suppress all riots, disturbances and breaches of the peace and apprehend any and all persons in the act of committing any offense against the laws of the state or of the ordinances, and forthwith bring such persons before the proper court or other competent authority for examination, and at all times diligently and faithfully enforce all such laws, ordinances and regulations for the preservation of good order and the public welfare as the council may enact, and upon view and reasonable suspicion arrest any person or persons who may be guilty of a breach of any of the ordinances or of any crime against the state or the United States. Every officer so authorized to make arrests or to serve process may, in the discharge of his duties, enter into all public places and, with or without process, arrest all persons frequenting such places, and regarded by such officer as suspicious characters, and forthwith bring such persons before the proper court, if said court be then in session, and if not, then to convey such persons to the city and county jail until such time as they can be brought before said court, then to deliver them up for trial and examination.

The police force shall not permit any prize fight, bull fight, glove contest in the nature of a prize fight, or similar exhibition, and shall enforce all general laws and ordinances suppressing gambling, including lotteries, policy shops, pool rooms, or any other form thereof, and a failure upon the part of the chief of police so to do shall be cause for his removal from office.

Chief of Fire Department and Firemen.

Section 66. The fire department shall be composed of a chief of the fire department and such other subordinate officers, firemen and other employes to be appointed by the board as may be necessary to protect the city and county against fire.

Exclusive Authority to Expend Appropriation.

Section 67. The board shall, in the exercise of its powers, have full, complete and exclusive authority to expend for and on behalf of the city and county, all funds set apart in the annual appropriation ordinance for the use of the board, and all appropriations now set apart for its use, and all disbursements by the board shall be authorized by the board at a regular or duly called special meeting thereof.

Sites for Stations, Etc.

Section 68. The board shall, with the approval of the mayor, make all selections of sites for fire or police stations, patrol boxes, fire hydrants, alarm boxes, etc., and change the location thereof; and, upon the passage of an ordinance authorizing the same, to contract for and purchase all sites for police stations and fire houses and to make contracts and pay for the erection thereof, with the right of condemnation herein provided for.

Special Police, Etc.

Section 69. The board may appoint such special policemen, patrolmen and watchmen, with or without pay from the city, as it may deem necessary, all of whom shall be subject to the orders of said board and shall be authorized and empowered to do and perform such of the duties of the members of the police force not inconsistent with this act and the ordinances of the city, as may be specified by resolutions of said board.

EXCISE.

Licenses—By Whom Granted.

Section 70. The fire and police board shall have exclusive power to grant, refuse, revoke or suspend any and all licenses; *Provided*, No license shall be suspended for more than five days nor revoked, except on notice to the holder thereof and a hearing before said board; nor shall any license be granted to any person or persons, if such person or persons shall have been twice convicted of violating any of the provisions relating to excise contained herein or any ordinance applying to saloons, tippling houses or any other place where spirituous, malt or intoxicating liquors are sold.

Licenses—Council Provide for.

Section 71. The council shall, by general ordinance, provide what licenses may be granted and upon whom and what imposed, and prescribe the conditions, if any, attaching to the issuance thereof; except as otherwise provided by this charter.

License Collectors—Appointed by Auditor.

Section 72. The board shall appoint all officers and assistants necessary to perform the duties of the department of excise, except that the officers and assistants necessary for the inspection and collection of all licenses shall be appointed by and

be under the supervision of the auditor. Police power is hereby conferred upon such appointees to make arrests for any violation, neglect, or infraction of the charter or ordinances relating to excise. The board shall keep a record of each application for license, setting forth the name of the applicant, his place of business, if any, residence, character of license sought, with term thereof, the recommendation of the board thereon, and if granted, the place, if any, to which the license attaches, the amount payable thereon and the date upon which it expires.

License Fees.

Section 73. No license or permit shall issue until the fee therefor has been paid to the treasurer, who shall endorse thereon such payment, and issue his receipt therefor to the auditor, who shall then attest such endorsement.

Liquor Licenses—Transfer of—Fee, \$10.00.

Section 74. All liquor licenses may be transferred by the holder thereof with the approval of the board on the payment of a fee of ten dollars therefor to the treasurer, who shall endorse upon such transferred license such payment, and issue his receipt therefor to the auditor, who shall then attest such endorsement. All other licenses may be transferred upon such conditions as may by ordinance be prescribed.

Liquor Saloons, Etc.—Petition of Property Owners—Fee, \$600.00.

Section 75. The council shall, by ordinance, provide for the licensing, taxing and regulating of liquor saloons, dram shops and tippling houses, and the selling or giving away of any spirituous, malt or intoxicating liquors by any person or corporation within the city and county; *Provided*, No license for the sale of spirituous, malt or intoxicating liquors in liquor saloons, dram shops or tippling houses shall be granted, except on the petition of the owners of a majority of the real estate within the frontage of the block in which such liquors or any thereof are to be sold. The uniform fee for such licenses shall be six hundred dollars a year, except as herein otherwise provided, and no such license shall be granted for a less term than six months.

Sunday and Midnight Closing.

Section 76. No liquor saloon, dram shop or tippling house shall be kept open on Sunday, nor between the hours of twelve o'clock at night, and five o'clock in the morning, and all laws of the state concerning closing upon Sunday and election day shall be in full force and effect in the city and county.

Five Hundred Feet from Park or School.

Section 77. No license shall issue for the sale of spirituous, malt or intoxicating liquors at any place within five hundred feet of the nearest point of a public park or public school property, used as such.

Wine Room and Women—Not Allowed.

Section 78. No liquor saloon, dram shop or tippling house shall have or keep in connection with or as part of such saloon, tippling house or dram shop, any wine room or other place, either with or without doors, curtain or curtains, or screen of any kind, into which any female person shall be permitted to enter from the outside, or from such tippling house or dram shop, and there be supplied with any kind of liquor whatsoever.

Penalty for Conducting Business Without License.

Section 79. Any person who, either as principal, clerk, agent, employee or servant, shall sell any spirituous, malt or intoxicating liquors or conduct any other business for which a license is required by law or by the charter or ordinances without first obtaining such license shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished by a fine of ten (10) dollars or twenty (20) days' imprisonment or both for the first offense, and a fine of not less than one hundred (100) dollars or imprisonment of thirty (30) days or both for each subsequent offense; and it shall be the duty of all policemen to enforce the provisions of this section promptly by closing all such places of business as may be open without a license or temporary permit conspicuously posted therein, and report all such cases immediately to the auditor and to the commissioner of excise who shall cause charges to be made in the proper court against the owner, clerk, agent, employee or servant in charge of said premises.

Annexed Municipalities—Liquor Ordinances Remain in Force.

Section 80. All laws and ordinances prohibiting or regulating the sale of spirituous, malt or intoxicating liquors in municipalities annexed to the city of Denver, or consolidated with the city and county of Denver, except in cases where the license fee for the retail sale thereof was lower than at the rate of six hundred dollars a year, shall remain in force as the same existed at the time of such annexation or consolidation.

Existing Ordinances Govern Until Changed.

Section 81. The existing ordinances regulating the issuing of licenses and the amounts thereof, as the same exist when this charter is adopted, and the general laws of the state regulating the liquor traffic, as far as applicable, shall be in full force and effect, until changed by the council, except as herein otherwise provided.

DEPARTMENT OF PUBLIC UTILITIES AND WORKS.

Board—Appointment and Removal.

Section 82. There shall be a board of public works, composed of the commissioner of public works, who shall be the president of the board, the engineer, and the commissioner of highways. Such board shall have charge and control of all pub-

lie works and utilities. The members of said board shall each be appointed by the mayor, for the term of four (4) years, one of whom shall be of different political faith from the other two. Any member may be removed by the mayor for any cause, except political, provided that any charges preferred by the mayor against any member of the board shall be in writing and served on such member at least ten (10) days before the hearing thereon, and at the hearing the mayor shall permit such member to appear in person and by attorney, and, within a reasonable time, present any defense he may have. The decision of the mayor in the premises shall be final. Pending such hearing, the mayor may suspend such member. The board shall appoint a secretary, at a salary not exceeding eighteen hundred dollars (\$1,800) per year, payable out of the treasury, to keep the records and perform such other duties as may be required by the board. The board may appoint other assistants, at salaries not exceeding twelve hundred dollars (\$1,200) each per year, the salaries payable out of the appropriation at the disposal of the board. The board shall be furnished, at the expense of the city and county, with convenient offices, stationery and instruments, and all facilities for the performance of its duties as may be, by the board, deemed requisite.

General Powers and Duties.

Section 83. Except as otherwise provided in this charter, the board of public works shall have exclusive management and control of the construction, reconstruction and maintenance of all public and local improvements, the care, repair and maintenance of all streets, alleys and other highways and public places, of all sewers, sidewalks, bridges, viaducts, tunnels and other like structures, of all buildings belonging to, and the construction of all buildings for the city and county, except buildings used exclusively for fire or police purposes or for hospitals, of all improvements of Cherry creek and Platte river, of all excavations in the streets, alleys and other highways or public places, the cleaning of streets, the erection, alteration or removal of poles, the location and stringing of wires, laying of tracks, pipes and conduits, whether done by the city and county or other persons, and the full charge and control of all public utilities belonging to the city and county.

Additional Powers and Duties.

Section 84. The board shall also have exclusive power to lay out, open, change, vacate and establish or change the grades of streets, alleys or other highways or public places, subject to approval by ordinance, and to order, contract for and execute all improvements thereon; to grade all streets, alleys and other highways and public places, and cause or permit lamp posts or other lighting apparatus, signs, awnings and other structures to be erected in or removed from the streets, alleys, highways and other public places, to grant permits for excavations therein or

the removal of materials therefrom, to require bonds for damages and the proper replacement of the highway, and to refuse all such permits, when the public interests may require it; provided that the council may by ordinance regulate the granting of all such permits.

Boulevards—How Established.

Section 85. The board shall also have exclusive power and authority to lay out, establish, regulate and improve boulevards and to adopt rules for the regulation and government of the same, and to prohibit heavy traffic upon such boulevards, and the council shall, by ordinance, upon the recommendation of said board, prohibit and provide for the punishment of, any violation of such rules.

Meetings—Power of Board—How Exercised.

Section 86. The board shall hold regular meetings on the first Tuesday of each month and may by rule provide for holding special meetings and service of notice of such special meetings. All duties of the president may in his absence from the city and county or in case of his inability to act, be performed by a president *pro tempore* to be elected by the board. No member of the board shall have any authority to act on behalf of the board, except in pursuance of authority conferred at a lawful meeting of said board, and a majority of the board shall constitute a quorum for the transaction of business, and no action of the board shall be binding, unless authorized by a majority of the members thereof at a regular or duly called special meeting. All proceedings of the board shall be recorded by the secretary, with a record of the vote of each member, when the vote is not unanimous.

All meetings shall be public and the records of the board shall be public records and open to inspection.

Contracts—Provisions of.

Section 87. The board may, in the letting of contracts, impose such conditions upon bidders with regard to bonds and securities, and such guaranties of good faith and responsibility on the part of bidders, for the faithful completion of the work or keeping the same in repair, and providing for any other material matter or thing in connection therewith, as may be considered by the board advantageous to the city and county.

Exclusive Authority to Expend Appropriations.

Section 88. The board shall have full, complete and exclusive authority to expend all such sums of money as may be appropriated for the department from the general revenues, and as may from time to time be realized from the sale of the general bonds of the city and county, if such bonds are authorized and issued under the provisions of this charter, for the purpose expressed in the ordinance submitting the question of incurring

the indebtedness, and the issuance of bonds and to negotiate the selling of such bonds; also to cause to be issued bonds of the city and county in the construction of local improvements, as in this charter provided; and to expend on behalf of the city and county all such sums of money as may from time to time be realized from the sale of any of such bonds, or realized from special assessments for local improvements, except parks and park-ways, and of all appropriations made from the general revenues for the construction of public or local improvements; and shall have the exclusive sale of all bonds mentioned in this section and the exclusive expenditure of the proceeds of such sales.

Engineer and Engineering Department.

Section 89. The department of public works shall include a bureau of engineering and surveying under the control and management of the board of public works. The engineer shall be the head thereof and shall devote his entire time to the duties of his office.

The board may appoint one chief assistant engineer at a salary of not to exceed twenty-four hundred dollars per year, and in addition to the assistant engineers and inspectors employed on local improvements such assistant engineers and inspectors, as may be considered necessary by the board, who shall receive salaries to be fixed by the board, not to exceed eighteen hundred dollars per year, payable out of the general appropriations at the disposal of said board.

Engineer—Duties.

Section 90. The engineer shall do all the surveying and engineering of the city and county, and perform such other duties as the board may authorize and direct.

The board shall have the custody of all plats, maps, records, notes, surveys, papers, files and documents now or heretofore belonging to the office of the city engineer, the county surveyor, or said board, or pertaining to the surveys of the city and county, and shall deliver the same to its successors in office, including all private memoranda made by the engineer or any of his assistants, relating to the surveys or other engineer's data of the city and county.

COMMISSIONER OF HIGHWAYS.

General Duties.

Section 91. There shall be a bureau of highways, the head of which shall be the commissioner of highways; the commissioner shall, under the direction of the board, have general charge, and the care, repair and cleaning of all the streets, alleys, and other highways and public places, and of all bridges, viaducts, tunnels and sidewalks, and of all work done in the maintenance and repair thereof, and of such other operations of the department of public works as may be designated by the board.

DEPARTMENT OF PARKS.

Commissioners—Appointment—No Compensation.

Section 92. The park commission shall be composed of five commissioners, who shall be well known for their business ability, probity and public spirit, one of whom shall be president of the commission and appointed as such, and all of whom shall hold their offices for five years from the date of appointment, except that the first appointments shall be made for such respective terms that one of the appointments shall expire each year. The commissioners shall serve without compensation, except for their actual disbursements, approved by the mayor. One commissioner shall be appointed from each of the park districts, and the president at large, and each commissioner shall have resided at least two years in his district prior to appointment. Any commissioner shall be considered as vacating his office upon the acceptance of any other public office.

Secretary—Salary, \$1,500.00.

Section 93. The commission may employ a secretary at a salary not exceeding fifteen hundred dollars (\$1,500) per annum, payable out of the park fund, who shall keep a record of all proceedings of the commission and have custody of and preserve all its records.

Offices.

Section 94. The commission shall be provided by the city and county with convenient offices, stationery and the facilities necessary for the performance of its duties, as by the commission deemed necessary and advisable.

Superintendent of Parks.

Section 95. The commission may appoint a superintendent of parks, who shall be a practical landscape gardener, who shall, under the direction of the commission, have active charge, control and direction of all the parks and park-ways of the city and county, and perform such other duties as may be prescribed by the commission, with such other assistants and salaries payable out of the park fund, as may be authorized by the commission, with the approval of the mayor.

Meetings—First Tuesday of Each Month.

Section 96. The commission shall hold a regular meeting on the first Tuesday of each month, and may by rule provide for special meetings and service of notice thereof. A majority of the members shall constitute a quorum, and no action of the commission shall be binding unless authorized by a majority of the members at a regular or duly called special meeting thereof.

Commission and Mayor Expend Appropriation.

Section 97. The commission shall, with the approval of the mayor, have full, complete and exclusive power and authority to

expend for and on behalf of the city and county, all sums of money that may be raised by general taxation for park purposes, and all other sums of money appropriated by the council from the general revenues for the same purposes; and all moneys that may be realized by the commission from the sale of privileges in or near the parks of the city and county, or realized from the sale of the general bonds of the city and county and set apart for park purposes, or from the sale of the park district bonds hereinafter provided for.

Reports.

Section 98. The fiscal year of the department of parks shall end on the thirty-first day of December of each year, and during the month of January of each year the commission shall make an annual report to the mayor and council of all moneys received and expended in the purchase, improvement and maintenance of parks, showing when, where, how and in what manner the same were received and expended, and what improvements have been made during the year preceding the report.

General Powers—Licenses, Etc., in Parks.

Section 99. The commission shall have exclusive management and control of all parks and park-ways, and exclusive power to lay out, regulate and improve the same, and to prohibit certain or heavy traffic therein, and to grant or refuse licenses to vend goods on the streets or sidewalks within three hundred feet of any park entrance and on the streets and sidewalks adjoining parks, and the council shall, by ordinance provide for the enforcement of the rules and orders of the commission in relation thereto.

No franchise, license or permit for the construction or maintenance of any railway shall ever be granted within the limits of any park or lengthwise upon any park-way. Nor shall any franchise for the maintenance of any other special privilege within any park be granted.

The commission shall have exclusive management and control of the city ditch, and the distribution of water therefrom, within and without the city and county.

Building Line Around Parks.

Section 100. The commission may establish a building line or lines, determining the distance at which all structures to be erected upon any private premises fronting any park or park-way under the jurisdiction of the commission shall be erected upon such premises, and may, in the name of the city and county, prevent the erection and require the removal of all structures outside said lines, and no permit shall be issued authorizing the erection of any structure outside the building line so established.

No Park to Be Sold.

Section 101. No portion of Congress park, or of any other park now belonging to or hereafter acquired by the city and county, shall be sold or leased at any time.

Gifts for Parks, Museums, Etc.

Section 102. Real or personal property may be granted, bequeathed, devised or conveyed to the city and county for the purpose of the improvement or ornamentation of any park, boulevard, pleasure-way or park-way, or for the establishment or maintenance therein of museums, zoological or other gardens, collections of natural history, observatories, libraries, monuments or works of art, upon such trusts or conditions as may be approved by the commission and council; and all such property or the rents, issues and profits thereof shall be subject to the exclusive management and control of the commission. The commission may also provide such accommodations and take such preliminary steps as the moneys at their disposal will justify for the securing and preservation of collections of natural history and the establishment of museums in the parks.

Unexpended Appropriations Remain in Fund.

Section 103. No moneys levied or appropriated by the council or by this charter for park purposes and remaining unexpended at the end of any fiscal year, shall be converted into the general fund nor be subject to appropriation for general purposes.

Additional Powers by Ordinance.

Section 104. The commission shall have such additional powers relating to parks and boulevards as may be prescribed by ordinance.

Money Raised by Bonds, Etc., Expended by Commission—One and One-third Mills Tax for Park Fund.

Section 105. In case a bonded indebtedness of the city and county is incurred for the purpose of acquiring lands for parks or park-ways, the proceeds thereof shall be used in acquiring lands in the several park districts herein prescribed, in proportion to the assessed valuation of the real estate in each district.

As a part of the annual levies authorized by this charter, the council shall annually assess and collect upon each dollar of taxable property within the city and county at least one and one-third mills, the proceeds of which shall be collected in the same manner as other city and county taxes, and when collected shall be set apart and constitute an improvement and maintenance fund for park purposes.

All moneys collected as taxes levied for the maintenance and improvement of parks and park-ways, shall be expended by the commission as in their judgment the needs of the several park districts require.

DEPARTMENT OF HEALTH.

Health Commissioner—General Powers.

Section 106. There shall be a health commissioner, who shall be appointed by the mayor and have control of the department of health, whose term of office shall be four (4) years; he shall be a licensed physician and have been engaged in the practice of medicine in the city and county for at least five (5) years; he shall appoint such assistants, within his appropriation, as may be required.

He shall have control of the city and county hospitals, the Steele Memorial hospital, and shall provide, maintain and have charge of a morgue. He shall attend the sick in jails, houses of detention, and care for and direct the admission and discharge of patients at the city and county farm. He shall have the sanitary supervision of all institutions of the city and county, including jails, houses of detention, schoolhouses and public buildings; of the disposition of the dead; of the plumbing and drainage and sewerage of buildings; of markets and of all matters pertaining to the preservation and protection of the lives and health of the people. He shall, at least quarterly, visit every institution in the city and county, private or public, maintained for the care of the sick, injured, indigent, insane or minors. He shall have control of the removal and disposition of all garbage, offal and other offensive substances, and may enter into such time contracts for the removal and disposition of the same as in his judgment he may deem to be to the best interest of the city and county and to the health and comfort of the inhabitants of the same.

Power to Enter Dwellings, Etc.

Section 107. Upon probable cause, supported by oath or affirmation, a warrant may be issued by any justice of the peace authorizing the health commissioner to enter into any dwelling. He may enter upon any other premises in the day time without such warrant and in the exercise of his duties of office may command the services of the police.

Medical Advisory Commission.

Section 108. The health commissioner shall appoint two (2) licensed physicians, who shall serve without compensation, and who shall act with him as a medical advisory commission. The commission shall define the duties of the physician and surgeons of the visiting staff of the hospitals and similar institutions of the city and county.

Visiting Staff.

Section 109. The members of the visiting staff shall be appointed by the medical advisory commission annually, removed only for cause, be eligible to reappointment and serve without compensation.

Physicians—Emergency Wards, Etc.

Section 110. The city and county physicians shall be appointed by the health commissioner, have charge of the receiving and emergency wards and hospitals and perform such other duties as may be prescribed by the health commissioner.

The resident physicians in the hospitals of the city and county shall be appointed by the health commissioner, and serve without compensation, other than board and lodging during their term of service.

Steele Memorial Hospital.

Section 111. The council shall provide for the maintenance, enlargement and improvement of the Steele Memorial hospital for contagious diseases of children, and provide accommodation for the care of persons with contagious diseases, who are required to be removed thereto or who are able to pay a proper compensation.

Records—Reports, Etc.

Section 112. The health commissioner shall keep a record of the work done in the institutions under his control, collecting and preserving such statistical information relating to his department, as may aid the advancement of science, and publish reports of the same.

DEPARTMENT OF CHARITY AND CORRECTION.

Commission—Appointment—Employees.

Section 113. There shall be a commission of charity and correction consisting of three members, appointed by the mayor for the term of two (2) years. The commission shall have control of the department of charity and correction and shall serve without compensation. The commission may appoint a secretary and such other employes as may be necessary, with the approval of the mayor, and whose compensation shall be provided by ordinance.

General Powers.

Section 114. The commission shall have charge of all charitable work done by the city and county; have charge of the city and county farm, of the detention school, and may establish and have charge of a municipal lodging house, and shall make and enforce rules for the government of said institutions. They shall perform such other duties, not inconsistent with the general laws of the state and the provisions of this charter, as the council may, by ordinance, require; *Provided, however,* Nothing herein shall be construed to prevent the council from making appropriations to charitable organizations, to be administered by them.

Superintendent—City and County Farm.

Section 115. The commission shall appoint the superintendent of the city and county farm, with the approval of the mayor.

Visitation of Charitable Institutions, Jails, Hospitals, Etc.

Section 116. The commission shall visit all charitable institutions, all jails and all institutions of the city and county where sick, insane, destitute or other persons are confined, and may cause any person convicted of violating any law or ordinance, and who is confined or on parole, to be examined as to the causes contributing to the delinquency; a record of such examinations to be made and kept.

Examination of Management of Charitable Institutions.

Section 117. The commission shall keep advised as to the management of all institutions receiving public money, and is empowered to enter and examine into the management of any charitable institution, public or private, at any reasonable hour.

Farm, Hospitals—Visitation of.

Section 118. The commission shall visit the city and county farm at least once each month; shall visit the city and county hospitals and may recommend to the mayor any change in management deemed advisable.

Records.

Section 119. A record of all proceedings of the commission, recommendations made regarding any institution, reports of investigations of hospitals and similar institutions and a record of each case of relief afforded, and such other records as may be ordered by the commission, shall be kept by the secretary.

Detention School—Children Under Fourteen Not to Be Sent to Jail.

Section 120. There shall be established and maintained a detention school, not connected with any jail, which shall be in charge of a superintendent. The superintendent shall be appointed by the juvenile court (county court) of the city and county, provided such appointment must be first submitted to the commission for its approval as to the qualification of the appointee. It shall be the duty of the commission to approve or disapprove such appointment within thirty days after the submission thereof; such appointment shall be considered approved in case the commission shall fail within said time to take any action thereon. The superintendent must be qualified to instruct and teach children in branches of education similar to those of the public schools of the city and county. Such school shall be supplied with all necessary teachers, help and convenient facilities for the care of inmates thereof. The employes thereof shall be appointed in like manner as the superintendent. Children under sixteen years of age, arrested for any cause, may, by order of the juvenile court, unless otherwise provided by the

juvenile court act, be held in the detention school until final judgment. They shall receive schooling and professional services when required. No child fourteen years of age or under shall be incarcerated in any common jail or lock-up.

The superintendent shall keep a record of such children and such other information as may be required by the juvenile court (the county court) of the city and county, or the commission.

ART.

Commission—Appointment—Term, Six Years—Vacancies.

Section 121. There shall be an art commission appointed by the mayor, who shall be ex-officio a member of said commission. The commission shall consist of six members, of whom two shall be professional artists, one of whom shall be a sculptor, and such two members shall be appointed from lists of names prepared and submitted by "The Artists Club" or "The Municipal Art League" of Denver, and one member shall be a professional architect; the others shall not be persons pursuing the profession of art or architecture. The first appointments shall provide two members for a term of six years, two members for a term of four years, and two members for a term of two years; and thereafter two appointments for the term of six years shall be made biennially. Vacancies shall be filled by the mayor.

General Powers.

Section 122. The commission shall have control of all matters of art pertaining to the city and county, and advise the mayor and council with relation thereto, and serve without compensation.

No work of art shall become the property of the city and county, or subject to its control, unless such work or the design for the same, together with a statement of its proposed location, shall have been approved by the commission. No such work of art shall be removed, re-located or altered, except with the approval of the commission.

No member of the commission shall receive payment from the city and county for the design or execution of any work of art.

"Work of Art"—Definition.

Section 123. The term "work of art" shall include all paintings, stained glass windows, mural decorations, statues, bas-relief, seals, medals, sculptures, monuments, fountains, arches, ornamental gateways and other structures of a permanent character intended for ornament or commemoration.

"Work of Art"—Must Be Approved by Commission.

Section 124. No contract or order for the execution of any work of art for said city and county shall be made until submitted to the commission and its approval secured.

LIBRARIES.

Commission—Appointment—Term, Eight Years—Two Women.

Section 125. There shall be a library commission, consisting of eight members, who shall serve without compensation. The present board of directors of the public library of the city of Denver, together with two women to be appointed by the mayor, shall constitute said commission. As soon as constituted, the commission shall divide by lot into four classes to hold office for two, four, six and eight years, respectively. At the end of two years and every alternate year thereafter, the mayor shall appoint two persons to serve for a term of eight years. There shall always be two women on the commission.

General Powers.

Section 126. The commission shall have exclusive control of the public library, branches thereof and reading rooms, of all money appropriated therefor, of all property or money otherwise acquired for such purposes, of the acquisition by purchase, construction, or lease, of grounds and buildings for such purposes; of the administration of gifts and trusts, and power to do any and all things necessary or expedient in connection with library purposes.

Annual Appropriation, \$30,000.00.

Section 127. The council shall annually appropriate not less than thirty thousand dollars for the maintenance of the public library.

Open Shelf System.

Section 128. The library and its branches shall, as far as practicable, be conducted upon the open shelf system.

North Side Reading Room and South Platte Library.

Section 129. The North Side reading room and the South Platte library, when transferred to the city and county, shall be maintained as reading rooms, and the commission shall establish such branch libraries, reading rooms and delivery stations as may be expedient.

Reports—Annual.

Section 130. The commission shall make an annual report to the mayor, stating the condition of its trust, the various sums of money received from the library fund and other sources, and for what purposes such sums of money have been expended; the number of books and periodicals on hand, the number added by purchase or gift, the number lost or number of visitors, and such other information as may be deemed of general interest.

ARTICLE IV.

JUDICIAL DEPARTMENT.

COUNTY COURT.

Two Judges.

Section 131. The county court of the city and county shall consist of two judges, who shall have the qualifications required by the constitution and general laws of district judges.

Jurisdiction.

Section 132. The jurisdiction of the county court shall be as prescribed for county courts by the constitution and general laws and as prescribed by the charter.

Clerks, Divisions, Etc.

Section 133. Judges of the county court shall appoint a clerk and such deputy clerks as may be required in accordance with general law unless otherwise prescribed by ordinance, and such probation officers as may be required by general law. In case of any disagreement between the judges as to the appointment of the clerk as in this section provided, then the judge who is senior in point of service as such judge shall control and make such appointment. As to other subordinate officers, including probation officers, in case of a disagreement the appointments shall be divided as near as practicable equally between the judges. Each judge shall appoint his stenographer, bailiff and division clerk.

Court Sitting En Banc—Powers.

Section 134. The judges may sit *en banc* at such times as they may determine for the purpose of making rules of court, the appointment of the clerk, the approval of the appointment of deputies other than division clerks, the approval of official bonds and such like ministerial duties, but for no other purpose whatever; and the court so sitting *en banc* shall have no power to review any order, decision or proceeding of the court held by either judge sitting separately.

Presiding Judge.

Section 135. While sitting *en banc* one of the judges shall act as presiding judge, and at the first term the judge oldest in office shall act as presiding judge; at the next succeeding term the other judge shall act, and thereafter they shall preside at the several succeeding terms alternately and in regular rotation, each during the period from the commencement of one term to the commencement of the next succeeding term. But the court may at any time change the rule of presiding as its convenience may require.

Rules—General and Special.

Section 136. In addition to the ordinary power of making rules, such court sitting *en banc* may make all rules which its

peculiar organization may require different from the ordinary course of practice and necessary to facilitate the transaction of business in the courts held by the judges sitting separately, and may by rule provide for the classification, arrangement and distribution of the business of the court between the judges thereof, and each shall attend to the business of the court so assigned, and when not occupied by the business assigned to him, shall, so far as practicable, aid the other judge, to which end cases may be sent from one judge to another, as the judges may agree and direct; *Provided*, That all rules for the government of the court held by the judges sitting separately shall be the same for each of the judges.

Records.

Section 137. The clerk of said county court shall keep one record, in which shall be recorded only the proceedings of said court *en banc*. The judges sitting separately shall cause such minutes of their proceedings to be kept as may be deemed necessary or expedient; but nothing in this act shall be construed to authorize any change in the manner of keeping the record of the court in civil actions, such as the register of actions, the judgment book, the judgment docket and the like, and there shall be only one set of such books kept for said court.

Jurors.

Section 138. Jurors may be summoned and empaneled for each of the judges sitting separately as though each were the sole court. The court shall be divided into two divisions, and in the docketing of cases all odd numbers shall belong to Division One, and all even numbers to Division Two, unless otherwise hereafter by ordinance provided.

Terms of Office—Election—Vacancy.

Section 139. At the next city and county election two judges shall be elected, one of whom shall be for the short term. The judge elected for the short term shall, within thirty days after his election, duly qualify and enter upon the duties of his office, and shall hold such office until the second Monday of January, 1907, and until his successor is duly elected and qualified; and the judge elected for the long term shall enter upon the duties of his office on the second Tuesday of January, 1905, and hold office for the term of four (4) years, and until his successor is duly elected and qualified; and except as otherwise herein provided, the judges of the county court shall be elected one every two years and each for the term of four years, and said judges shall be elected at the same time and manner as other officers of the city and county, and at the general city and county election next preceding the expiration of the respective terms of office of the judges in office. In case of a vacancy occurring, from any cause, the mayor, by and with the consent of the board of supervisors, shall appoint a person, possessing the qualifications

herein provided for county judges, to act as such judge until his successor is duly elected and qualified, and at the general city and county election next following such vacancy a judge shall be elected to hold office until the end of the unexpired term, provided such vacancy occurs more than forty-five days before such election.

Reports to Mayor—Annual—February 1st.

Section 140. On or before the first day of February in each year, the clerk shall make a report to the mayor for the preceding fiscal year, giving the following information as to probate, juvenile, civil and criminal business of said courts, separately arranged; the number of cases appealed to and commenced in said courts, the trial docket number of all cases appealed to and commenced in and pending in said courts, number of judgments rendered, what appeals have been taken therefrom and to what courts, the amount of fees, costs, fines, penalties and forfeitures imposed and the amount thereof collected, and such other information as the mayor or council may require.

MUNICIPAL AND JUSTICE COURTS.

Creation of—Judge, Term of Office—Appointed by Mayor—Qualifications—Vacancy—Three Justices.

Section 141. 1. A Municipal Court of the City and County of Denver is hereby created and established, and shall be presided over by a Municipal Judge, whose term of office shall be for four years or until his successor shall be appointed and qualified. The Municipal Judge shall be appointed by the Mayor of the City and County of Denver upon the adoption of this amendment. The Municipal Judge shall be a duly licensed attorney and a qualified elector of the City and County of Denver. In case a vacancy shall occur in such office, it shall be filled for the unexpired term by appointment by the Mayor. In case of absence from the city and county or inability of such Municipal Judge to act, the Mayor shall call in a justice of the peace of said city and county to act in said Judge's stead, and who shall have and possess the powers and jurisdiction of said Municipal Judge while so acting.

The justices' courts of the city and county shall consist of three justices of the peace, and no person shall be eligible to said office unless he shall have been for three years preceding his election duly qualified to practice as attorney and counsellor at law in all the courts of this state. Except as herein otherwise provided, the terms of office of said justices shall be for two years.

Jurisdiction—Oath, Etc.

2. The Municipal Court shall have exclusive original jurisdiction of all cases arising under the Charter and Ordinances of the City and County of Denver, the power to carry the same into effect by the imposition of such fines and penalties as may

be thereby provided, to compel the attendance of witnesses, and to punish for contempt by fine not to exceed twenty-five dollars. The said Municipal Judge shall take oath of office as provided in Section 151 of the Charter, and shall give bond to the City and County of Denver in the sum of five thousand dollars, conditioned for the faithful performance of his duties as Municipal Judge, which bond shall be approved by the Mayor.

Make Rules.

3. The Municipal Judge shall have full power and authority to make and adopt rules and regulations for conducting the business of said Municipal Court.

Daily Sessions Except.

4. The Municipal Judge shall hold regular sessions of his court every day, Sundays and legal holidays excepted, for the trial of cases, and shall hear and determine complaints for the violation of any city ordinance where there is probable cause to believe that an offense has been committed.

Appeals.

5. Until changed by ordinance, the procedure relating to appeals prescribed in Section 4971 of the Revised Statutes of Colorado of 1908, shall, so far as applicable, govern the said Municipal Court and appeals therefrom.

Clerk, Bailiff, Etc.—Powers and Duties of—Oath, Bond, Etc.

6. The Municipal Judge shall appoint a clerk, bailiff, and such assistants as may be provided by ordinance. The duties of the clerk shall be to keep a register of the actions in said court and a record of the proceedings in each case, including all fees and money collected, an index thereof, and prepare a docket for said Court, in which the judgments in each case shall be noted by the Judge thereof. The said clerk shall have power to administer oaths and affirmations, which he shall do when requested in all matters in said Municipal Court, and shall issue all writs, summons, and executions in all cases brought for the violation of provisions of the Charter or Ordinances, collect all fees, fines, penalties and costs, and when requested shall prepare all writs and other papers pertaining to the business of said Court. Upon the filing of a verified complaint, said clerk shall issue a summons or warrant, fixing the return day thereof at a date not earlier than the next session of said Court and not later than three days after the service of the same. Said clerk shall take oath of office as is provided in Section 151 of the Charter, and shall give a bond in the sum of five thousand dollars to the city and county, conditioned for the faithful performance of his duties and the paying over of all moneys, fees, fines, and penalties collected by him, and shall perform such other duties as shall be imposed by ordinance.

The bailiff of said Court shall attend upon the same, preserve order therein, serve all warrants, summons, executions and other papers issued by said Court, and perform such other duties as may be required by the Municipal Judge and by ordinance, and shall execute a bond to the city and county in the sum of two thousand dollars, conditioned for the faithful performance of his duties as such bailiff.

Any and all process issued out of said Court may be served both by the bailiff of said Court and any acting police officer of said City and county.

Salaries.

7. The salary of the Municipal Judge shall be twenty-five hundred dollars per annum, and the clerk and bailiff of said Court shall each receive such salary as is now or may be provided by ordinance.

Takes Effect.

8. This amendment shall take effect on the first day of June after its adoption.

Sections 142 to 148, Inclusive—Repealed.

9. Sections 142 to 148, inclusive, of the Charter of the city and county are hereby repealed.

(New section adopted May 17, 1910.)

ARTICLE V.

OFFICERS AND SALARIES.

Qualifications of Elective Officers.

Section 149. Except as herein otherwise provided, when elected, officers must not be less than twenty-five years old, and citizens of the United States for five years, and all officers, in addition to other qualifications required, must be electors of the city and county.

Boards—Commissions—Heads of Departments—Qualifications—Appointments.

Section 150. Except as otherwise provided, boards, commissions and heads of departments shall be appointed by the mayor, and shall possess the same qualifications required of elective officers by the preceding section, and hold office during his pleasure.

Oath of Office.

Section 151. Before entering upon the duties of his office, every officer elected or appointed shall take and subscribe before a judge of a court of record, and file with the clerk of the city and county, an oath or affirmation that he will support the constitution of the United States and of the state of Colorado, the charter and ordinances of the city and county, and will faithfully perform the duties of the office upon which he is about to enter.

Bonds of Officers.

Section 152. The following named officers shall each give an official bond, with good and sufficient surety, to be approved by the mayor, conditioned among other things for the faithful performance of each and all of the duties of their respective offices, without fraud, deceit or oppression, and the accounting for all moneys and property coming into their hands and the prompt and faithful payment of all moneys, and the delivering up of all property coming into their custody, to their successors in office, possession or control belonging to the city and county.

The penalties in the bonds required by this section shall be as follows: For auditor, engineer, commissioner of supplies, building inspector, assessor, sheriff, clerk of county court, each county judge, ten thousand dollars; clerk, recorder, each member of the fire and police board, each member of the board of public works, five thousand dollars; coroner, two thousand dollars; county superintendent of schools, one thousand dollars. The council shall have power by ordinance to impose additional conditions in said bonds, or to change the amount of the penalties; *Provided, however,* That the amount of the penalty in each bond shall not be less than in this section provided. Except as otherwise herein provided, official bonds shall be given by such other officers and employes, in such amounts and so conditioned, as may be provided by law or by ordinance; and until so provided, such official bonds shall be so conditioned, and in such amounts as the mayor, auditor and treasurer may require.

Salaries of Officers—Employees—Definition.

Section 153. The following annual salaries shall be paid to officers named in the various departments: Mayor, six thousand dollars; attorney, assessor, each four thousand six hundred dollars; county judge, auditor, treasurer, sheriff, engineer, four thousand six hundred dollars; president of the board of public works, commissioner of health, four thousand dollars; recorder, three thousand six hundred dollars; clerk, commissioner of highways, commissioner of excise, clerk of the county court, chief of police, chief of the fire department, commissioner of supplies, three thousand dollars; under sheriff, first assistant attorney, electrician, building inspector, commissioner of police, commissioner of fire, two thousand five hundred dollars; each justice of the peace, and each county court stenographer, two thousand dollars; second assistant attorney, boiler and elevator inspector, superintendent of street sprinkling, eighteen hundred dollars; each constable, third assistant attorney, president of the board of supervisors, fifteen hundred dollars; each clerk of justice of the peace, each deputy constable, attorney's stenographer, each supervisor, president of the board of aldermen, market master, twelve hundred dollars; each alderman, each election commissioner, one thousand dollars; coroner, county superintendent of schools, nine hundred dollars.

The members of the police department shall each receive the following annual salary: Captain of detectives, eighteen hundred dollars; police captains, fifteen hundred dollars; police and desk sergeants, roundsman with rank of sergeant, custodian of stolen goods, twelve hundred and sixty dollars; detectives, police surgeons, twelve hundred dollars; jailors, eleven hundred forty dollars; patrolmen, ambulance drivers, patrol wagon drivers, police operators, ten hundred twenty dollars. The number of patrolmen shall not be less than one hundred and twenty-five nor shall there be more patrolmen at any time than one for every one thousand population as shown by the last preceding United States census. The members of the fire department shall each receive the following annual salary: Assistant chiefs, chief's secretary, fifteen hundred dollars; captains, twelve hundred dollars; engineers, machinists, eleven hundred forty dollars; lieutenants, ten hundred eighty dollars; assistant engineers, ten hundred fifty dollars; hosemen, laddermen, drivers, operators, fire wardens, assistant machinists, ten hundred twenty dollars.

† All persons in the employ of the city and county, or any of the departments thereof, whose salary or compensation is not fixed by this charter, are hereby declared to be employes, and except as herein otherwise provided the council shall, by ordinance, provide for their compensation and for the terms, conditions and duties of their respective employment; and until such compensation has been fixed by ordinance, as aforesaid, the same shall remain as now provided by the general statutes or the ordinances.

Takes Effect—Salary of Firemen and Policemen—Grades—Detective Office Abolished—Who Perform Duties, Etc.

Section 153-a. On and after January 1st, A. D. 1911, the fire department shall consist of the following officers and members, who shall respectively receive the following annual salaries: Chief of the fire department, three thousand six hundred dollars; deputy chief, two thousand four hundred dollars; assistant chiefs, two thousand one hundred dollars; superintendent of fire alarm, secretary of fire departments, one thousand eight hundred dollars; captains, assistant superintendent of fire alarm, and machinists, one thousand three hundred and eighty dollars; lieutenants, engineers, one thousand two hundred and sixty dollars; assistant engineers, one thousand one hundred and seventy dollars; carpenters, fire wardens, linemen, operators, firemen of the first grade, one thousand one hundred and forty dollars; firemen of the second grade, one thousand and eighty dollars; firemen of the third grade, one thousand and twenty dollars; firemen of the fourth grade, nine hundred and sixty dollars.

On and after January 1st, A. D. 1911, the police department shall consist of the following officers and members who shall respectively receive the following annual salaries: Chief of police, three thousand six hundred dollars; deputy chief, two thousand

four hundred dollars; captains of police, two thousand one hundred dollars; street sergeants, desk sergeants, jailers, custodian of stolen goods, police surgeons, one thousand three hundred and eighty dollars; patrolmen of the first grade, operators, one thousand one hundred and forty dollars; patrolmen of the second grade, one thousand and eighty dollars; patrolmen of the third grade, matron, one thousand and twenty dollars; patrolmen of the fourth grade, nine hundred and sixty dollars.

A fireman or patrolman of the fourth grade shall be one who has served for less than one year. A fireman or patrolman of the third grade shall be one who has served for one year or more, and less than two years. A fireman or patrolman of the second grade shall be one who has served for two years or more, and less than three years. A fireman or patrolman of the first grade shall be one who has served for three years or more.

Upon the adoption of this amendment, the office of detective as such shall be, and the same is hereby abolished. The chief of police shall assign the deputy chief, or a police captain, to have charge of all detective work under the general supervision of the chief of police. The chief of police shall, at such times as he may see fit, designate patrolmen to perform detective work under the orders of the officer assigned to have charge of such work, each of which such patrolmen shall, so long as thus engaged, receive the sum of one hundred and ten dollars per month. All persons who at the time of the adoption of this amendment are occupying the office of detective shall thereupon become patrolmen.

Any provision of the charter in conflict herewith or any part hereof and particularly any portion of Section 153 which creates or provides for any officer or member of the fire or police departments other than named herein, shall be, and the same is hereby repealed.

(New section adopted May 17, 1910.)

Boards, Etc.—Assistants—How Employed.

Section 154. Heads of all departments, boards and commissions shall, within their respective appropriations, employ such other assistants as may be needed, and pay such reasonable salaries as they may determine.

Officers—Boards' and Commissions' Records Public.

Section 155. All officers, boards and commissions in addition to their specified duties, shall render such other service as may be required by ordinance. All boards and commissions shall keep a record of their proceedings, their meetings, and all their official documents, and records shall be public.

Officers Who Perform Duties of County Officers.

Section 156. Except as otherwise herein provided, the officers who shall respectively perform the acts and duties required of county officers to be done by the constitution and the general

laws, in all cases not specifically provided for, so far as applicable, shall be as follows: The county judges shall perform the acts and duties required of county judges; justices of the peace, the acts and duties required of justices of the peace; constables and deputy constables, the acts and duties required of constables; the engineer, the acts and duties required of county surveyor; the board of supervisors, the acts and duties required of boards of county commissioners; the board of supervisors shall act as a board of equalization and perform the acts and duties required of a board of county commissioners when sitting as a board of equalization; the assessor, the acts and duties required of county assessors; the treasurer, the acts and duties of a county treasurer; the sheriff, the acts and duties required of sheriff; under-sheriffs, the acts and duties required of under-sheriffs; deputy sheriffs, the acts and duties required of deputy sheriffs; recorder, the acts and duties required of county clerk as ex-officio recorder; the coroner, the acts and duties required of coroner; the election commission, the acts and duties required of a board of county commissioners, county clerks and justices of the peace in all matters pertaining to registration and elections.

In case no officer has been specially mentioned to perform the duties of any county officer, or in case any new county office is created, then such office shall be filled by appointment by the mayor, who shall appoint thereto some official of the city and county, who shall thereafter perform the acts and duties required by the constitution or by the general laws to be done by such county officer.

Conservators of the Peace.

Section 157. The mayor, members of the council and all members of the fire and police board, are hereby made conservators of the peace and are authorized to make arrests, either with or without process, of any offender against the laws of the state or the ordinances of the city and county, and with all the powers herein conferred upon the chief of police.

Health Officers Have Police Power.

Section 158. The health commissioner and all health inspectors, and such persons as are detailed to have charge of the city and county dumps, in the line of their respective duties, shall have the same powers as policemen.

Fees—Collection—Payment to Treasurer.

Section 159. All fees and compensation of any kind allowed to county officers by law shall be collected by the officers designated to perform the acts and duties required of county officers and paid to the treasurer as in the charter provided, and no officer shall be paid any fee or compensation beyond that fixed by the charter.

Officers Deliver Books, Etc., to Successor.

Section 160. Officers shall deliver all books, records and property belonging to the city and county to their successors in office, who shall give duplicate receipts therefor, one of which shall be filed with the auditor.

Appointive Officers and Employees Must Pay for Family Necessities.

Section 161. Every appointive officer and employe under the city and county government shall be required to pay, with reasonable promptness, his debts and liabilities incurred after his employment for all family necessities, including the ordinary necessary expenses of daily life; and if any such officer or employe shall fail or refuse so to do, after reasonable notice from the head of his department, every such officer or employe so in default shall be removed and dismissed from the public service.

Policemen and Firemen—Temporary Disability—Full Pay.

Section 162. All members of the police and fire department shall be entitled to and shall receive full pay for such time as they may be temporarily incapacitated from service, on account of injuries received or sickness contracted while in the performance of their duties as members of said department, said allowance or pay to be approved by the chief of said department and the proper examining physician, they shall also be entitled to a vacation of fifteen days each year with full pay during such time.

IMPEACHMENT AND REMOVAL FROM OFFICE.

Impeachment.

Section 163. The mayor may present to the board of aldermen charges for impeachment against any elective officer, and said board, by a three-fourths vote, may prefer articles of impeachment against such elective officer. The board of aldermen, by a three-fourths vote, may prefer articles of impeachment against the mayor or any other elective officer.

Impeachments—Trial of.

Section 164. All impeachments, except against members of the board of supervisors, shall be tried by the board of supervisors, and at such trial one of the judges of the county court shall preside and determine all questions of law. All questions of fact shall be determined by the board of supervisors, but said county judge shall not have a vote in determining any question of fact. The board of supervisors shall determine the guilt or innocence of the accused, but there shall be no conviction upon the charges set forth in the articles of impeachment unless five of the members of the board of supervisors vote for such conviction, in which case their decision shall be final.

All impeachments against members of the board of supervisors shall be tried by the county court. All questions of fact

in any such impeachment case shall be determined by a jury of twelve free holders, and the decision of the court shall be final.

The attorney shall prosecute articles of impeachment, but the board of supervisors shall have power to employ other or additional counsel.

Impeachment of Elective Officers.

Section 165. Elective officers may be impeached only for high crimes, malfeasance, or corrupt practices in office, but judgment in such case shall only extend to removal from office and disqualification to hold any office of honor, trust or profit in the city and county. Such officers, whether acquitted or convicted, shall, nevertheless, be liable to prosecution, trial, judgment and punishment according to law.

ARTICLE VI.

ELECTIONS.

General Election—Third Tuesday in May.

Section 166. A general city and county election shall be held in the various precincts in the city and county of Denver on the third Tuesday in May, A. D. 1904, and every two years thereafter, by the qualified electors thereof.

Elective Officers.

Section 167. At the first city and county election there shall be elected a mayor, sheriff, auditor, assessor, treasurer, clerk, recorder, coroner, county superintendent of schools, two judges of the county court, sixteen aldermen, seven supervisors, three justices of the peace, three constables.

Term of Office—Four Years, Exceptions.

Section 168. The term of all elective officers, except as otherwise provided herein, shall commence on the first secular day of June following their election, and, except as otherwise provided herein, shall be four years and until their successors are elected and qualified.

ELECTION COMMISSION.

Who Constitute.

Section 169. A temporary election commission is hereby created, and Francis F. Graves, Edward C. Soetje and Harry C. Riddle are hereby named to serve as commissioners thereof until their successors, who shall be elected at the election to be held hereunder in May, A. D. 1906, qualify.

Election of.

Section 170. At the second general city and county election held hereunder for the election of officers, there shall be elected three persons possessing the qualifications herein mentioned, who shall constitute an election commission.

Qualifications.

Section 171. At the time of his election or appointment, each commissioner shall be at least twenty-five years of age, a duly qualified elector and tax payer in and for the city and county, and have been a citizen of the United States for at least five years.

Candidate on One Ticket Only—Only Two Candidates on Any Ticket.

Section 172. Persons possessing the qualifications herein mentioned may be nominated for the office of election commissioner in the same manner as is prescribed by general law for the nomination of candidates for other city and county offices; *Provided, however*, the same person shall not be placed as a candidate upon more than one ticket, nor shall there be more than two candidates for the said office upon any one ticket. The three persons receiving the greatest number of votes shall be the election commissioners.

Vacancy—Appointment—Nomination by Chairman of Party.

Section 173. Should the office of any election commissioner become vacant, the mayor shall forthwith fill such vacancy by appointing to said office such person as shall be nominated by the chairman representing the political party, or the person representing the ticket, of which the commissioner whose office becomes vacant was at the time of his election or appointment a representative.

Each Member May Appoint One Judge of Election in Each Precinct.

Section 174. Each member of said commission shall have the right and power, and it shall be his duty, to appoint annually one of the three election judges in each precinct; *Provided, however*, that one of the said judges shall be of different political faith from either of the other two; all of whom shall be qualified electors of the precinct.

The judges of election in each precinct, to be appointed as aforesaid, shall be over the age of twenty-five (25) years, and said judges of each election precinct shall appoint two clerks for each election, but such clerks shall not both be of the same political faith. The conduct, management and control of the registration of voters, and of the holding of elections, canvassing the returns thereof and issuing certificates of election, and of all other matters pertaining to elections in the city and county, shall be vested exclusively in and exercised by the election commission, which shall perform all the duties, joint, several or otherwise of city and county officers or employes required to be done by the constitution or by general law in relation thereto, and the action of the commission on all questions passed upon by it shall be final; *Provided, however*, at the first election hereunder the said temporary commission may use as its registration

of voters the permanent registration prepared by the clerk, who shall deliver to said election commission such permanent registration records, ballot boxes, registration and election blanks and stationery in his custody not later than twenty days after the day of election for the charter, in case the same shall be adopted.

Primary Elections.

Section 175. The temporary election commission named herein shall have full power to make and enforce rules for the management and conduct of primary elections and shall upon written request of either side of any controversy growing out of primary elections hear and determine such controversy.

Canvass of Returns.

Section 176. The election commission shall meet within five days after every election and canvass the returns thereof, and forthwith issue a certificate of election to the persons entitled thereto. All meetings of the election commission shall be open to the public.

Tie Vote—Cast Lots.

Section 177. If the election of any officer or officers shall fail, in consequence of a tie vote between two or more persons for the same office, the election commission shall cast lots among those persons having a tie vote, in such manner as they shall first prescribe by resolution, and the person who shall be successful according to the terms of such resolution, in the casting of such lots, shall be declared elected.

General Law Govern.

Section 178. The general law concerning elections, including that in relation to the qualification of electors, registration of voters, the nomination of candidates, calling and conduct of elections, the form of ballots therefor, canvassing of the returns thereof, issuing of certificates of election and the punishment of election frauds and offenses, shall be in full force and effect in the city and county, except as otherwise provided herein.

Questions Submitted to Popular Vote—Form of Ballot, Etc.

Section 179. At any election at which any measure, charter amendment, proposal for a charter convention or ordinance, shall be submitted to a vote of the qualified electors, the official ballot shall, by proper words to be provided by ordinance, show the nature of the measure, charter amendment, proposal for a charter convention or ordinance, to be voted upon, and shall give to each voter the right to place a cross mark upon his ballot showing clearly his intention to vote for or against said measure, charter amendment, proposal for a charter convention or ordinance, and in case any separate or alternative proposition or propositions be submitted, the ballot shall be prepared so as to enable the voter to express his intention in regard to each proposition.

Officer Becoming Ineligible.

Section 180. In case any officer of the city and county shall become ineligible during his term of office, his office shall thereby become vacant.

Officer or Employee—Not to Be Interested in City Contract.

Section 181. No officer or employe of the city and county shall be interested, directly or indirectly, in any contract with the city and county, or be in the employ of any person having any contract with the city and county.

Contested Elections.

Section 182. All cases of contested elections shall be tried under the procedure prescribed by general law by the county court, except a contest for the office of county judge, which shall be tried as prescribed by general law, and except as otherwise provided herein.

Offices and Supplies for Commission.

Section 183. The council shall immediately upon the adoption of this charter provide the election commission with suitable offices and supplies, and said commission is hereby authorized within its appropriation to employ such assistants at the expense of the city and county as may be necessary to enable it to fulfill its duties.

Present Officers Continue Until Successors Elected.

Section 184. The officers and employes of the city and county at the time of the adoption of this charter shall continue in office and perform the acts and duties of their respective positions until the election or appointment of their successors or of the officers who are to perform their respective duties as herein provided, and except as herein provided concerning the election and civil service commissions, the powers and duties to be exercised or performed by the officers or employes provided by this charter shall not become effective until the officers elected at the first municipal election hereunder shall have qualified.

ARTICLE VII.

CIVIL SERVICE.

Commission—Who Constitute—Appointment—Term, Six Years—Removal.

Section 185. There is hereby created a civil service commission, composed of Daniel B. Carey, J. Frank Adams and Frederick J. Chamberlin, who shall serve two years from and after the adoption of this charter. As successors of said commissioners the mayor shall thereafter appoint three persons of known devotion to civil service reform as civil service commissioners, to serve, one for six years, one for four years and one for two years from the date of their appointment, and until their respect-

ive successors are appointed and qualified, and every alternate year thereafter, the mayor shall appoint one person as the successor of that commissioner whose term shall expire in that year, to serve for the term of six years from the date of his appointment and until his successor is appointed and qualified. Any vacancy occurring in the office of commissioner shall be filled for the unexpired term by appointment as above provided. All appointments, both original and to fill vacancies, shall be so made that not more than two commissioners shall at the time of appointment be adherents of the same political party.

The mayor may remove any commissioner appointed under this act for incompetency, inefficiency, neglect or violation of the provisions of this act, or of the rules and regulations in force hereunder, or any of them, or for any other cause which renders him unfit for the position, after first specifying in writing the particulars of the incompetency, inefficiency, neglect of duty or violation, or any other cause charged, and giving said commissioner an opportunity to make a personal explanation and be heard in self-defense.

Serve Without Compensation.

Section 186. The commissioners shall serve without compensation, but shall be paid their necessary expenses actually incurred in the discharge of their official duties.

Salary—Secretary, \$1,800.00—Examiner.

Section 187. The commission may employ a secretary, who shall be paid a salary of not exceeding the sum of one thousand eight hundred dollars a year, and an examiner for temporary service, at a salary of not exceeding five dollars per day. Any provision of the charter in conflict herewith is hereby repealed.

(As amended May 17, 1910.)

Examinations—How Conducted, Etc.

Section 188. The commission shall control all examinations, and may, whenever an examination is to take place, designate a suitable number of persons, either in or not in the official service of the city or county, to be examiners or assistants at said examination, and if in the official service, it shall be a part of their official duty, without extra compensation, to conduct such examinations as the commission may direct, and to make return and report thereof to the commission, which may at any time substitute any other person, whether in or not in such service, in the place of any one so selected. The commissioners may themselves act as such examiners, and all officers of the city or county shall assist them in every proper way in carrying out the provisions of this act.

Rules for Classified Service.

Section 189. The commission shall have power to make and enforce rules, which rules shall be printed for distribution, and

a copy sent to each officer, board and commission having the right to employ any person in the classified service. No rule shall become effective until ten days after publication in the official newspaper.

What Rules Shall Provide.

Section 190. The rules shall provide for a classification of all employments in the public service, as specified herein, other than day laborers and unskilled workmen; open and competitive examinations as to fitness; an eligible list from which vacancies shall be filled; a period of probation before employment is made permanent; promotion on basis of merit, experience and record.

Investigations.

Section 191. The commission shall investigate all breaches of this article, and may compel the attendance and testimony of witnesses, and the production of books and papers.

Classified Service—Include Policemen, Firemen, Public Works—Exceptions—Extensions.

Section 192. The classified service within the civil service regulations shall include only the police and firemen and other officers and employes of the department of fire and police and the officers and employes of the department of public utilities and works, excepting, however, from said regulations the chief of police, engineer, commissioner of highways, chief inspector of the board of public works and members of the boards of fire and police and public works, and one employe under each of said boards, who shall be the secretary thereof; (*Provided*, that after the expiration of four years from the adoption of this charter the council may, by ordinance, extend the civil service provisions to any or all other departments.)

Qualification of Applicants.

Section 193. Applicants for appointment shall be citizens of the United States, and have resided in the city and county for one year next preceding the date of their application, but these restrictions shall not apply to positions in which special, expert or technical knowledge is required. Applicants shall not use intoxicating beverages to excess. Every application must be supported by certificates of good moral character, and physical and mental capacity.

Examinations—Subjects—Notice.

Section 194. All examinations shall be impartial, and relate only to matters which will test the fitness of the persons examined for the service they wish to enter. No question shall relate to political or religious opinions or affiliations, and no appointment shall be in any manner affected by such opinions or affiliations. Notice of the time, place and scope of examinations shall be given by publication in the official newspaper.

Applicants Must Pass Sixty-five Per Cent—Preference to Civil War Veterans.

Section 195. No person shall be certified for appointment whose standing shall be less than 65 per cent. of complete proficiency; *Provided*, that preference shall be given to persons honorably discharged from the military or naval service of the United States, who served prior to January 1, 1866, and whose qualifications are otherwise equal.

Register—Names Remain One Year.

Section 196. Those examined shall be graded according to their examination, and their grades shall be entered on a register. Such names shall remain on the register at least one year, but in no event more than two years without further examination.

Filling Positions—Commission Certify Three Names.

Section 197. When a position is to be filled in the classified service, the appointing power shall make requisition upon the commission for the name of an eligible person, specifying the nature of the position to be filled, and upon receipt of such requisition, the commission shall certify the names of three applicants, if there be so many, having the highest percentage, one of whom shall be appointed. In case the requisition shall designate sex, only that sex shall be certified; otherwise sex shall be disregarded. If it be shown that all the persons certified are unsuitable for the position to be filled, the commission shall certify an additional name, but in such case, the reason shall be stated in the certification.

Provisional Appointments.

Section 198. In cases where the commission is unable to comply with the requisition from the eligible list, it may allow a provisional appointment, or it may authorize the appointing power to select a suitable person who shall be subject to examination, and if found qualified, certified for appointment.

Promotions.

Section 199. The commission shall provide for promotion in the classified service on the basis of ascertained merit and seniority in service and standing upon examinations, and shall provide, in all cases, that vacancies shall be filled by promotion. All examinations for promotion shall be competitive among such members of each department, as desire to submit themselves to examination. The commission shall submit to the appointing power the names of not more than three applicants having the highest rating for each promotion. The method of examining, the rules governing the same, and the method of certifying shall be the same, as near as may be, as provided for applicants for original appointments. Any increase in salary shall be considered a promotion.

Appointments for Six Months—Permanent Appointment.

Section 200. Every original appointment in the classified service shall be for six months, at the end of which time, if the conduct and capacity of the person appointed have been satisfactory, he shall be permanently appointed; otherwise he shall be out of the service.

Reduction of Force.

Section 201. When the force in any department is reduced, the person last certified to such department for employment, shall be first laid off; and when the force in such department is increased persons suspended shall be reinstated in the order of their original certification.

Emergency Appointments.

Section 202. Appointments for temporary service shall be made in accordance with the provisions of this article, except in case of emergency. In no case shall an emergency appointment continue for more than sixty days, and no reappointment or employment to the same position at the end of such period shall be allowed. In every such case, the official making the appointment shall report the same to the commission within three days, with the reason therefor, and the time for which the emergency appointment is necessary.

Transfers.

Section 203. Transfers within the classified service may be made from one department to a similar position in another, without examination.

Discharges from Classified Service.

Section 204. All persons, at the time of the adoption of this charter, occupying positions affected by the provisions of this article, shall retain their positions until discharged, under the provisions hereof. Discharges from the classified service, or reductions in grade or compensation or both, may be made for any cause, not political or religious, which will promote the efficiency of the service; but only on written specification by the authority making the discharge or reduction; and the person sought to be discharged or reduced shall have notice, a copy of the specifications, and be allowed reasonable time for answering the same in writing. A copy of the specifications, notice, answer and the order of discharge or reduction shall be made a part of the record of the division of the service in which the discharge or reduction is made, and a copy shall be filed with the commission. The commission may examine into the facts, and if the person has been wrongfully discharged, may reinstate him.

Contributions for Political Purposes.

Section 205. No officer or employe shall discharge or change the rank or compensation of any other officer or employe, or promise or threaten to do so for giving, withholding or neglecting

to make contribution or any service for any political purpose. No person shall, in any room or building occupied for the discharge of official duties, solicit or receive any contribution for political purposes.

Roster of Persons in Classified Service.

Section 206. The commission shall keep in its office a public roster showing the name, residence, position, date of appointment, compensation and duties of each person in the service. The commission shall have access to all public records and papers, the examination of which shall aid in keeping the roster.

Offices and Supplies.

Section 207. The council shall furnish the commission with suitable offices, office furniture, rooms for examinations, books, stationery, blanks, printing, heat and light and all other necessary supplies, and shall provide for the payment of such other expenses as may be necessarily incurred in carrying out the provisions of this article.

Certify Names to Auditor—No Payment Unless Name Certified.

Section 208. The commission shall certify to the auditor the name of every person, in the classified service, stating in each case the character and date of commencement of service, compensation and any change in such service. The auditor shall not issue a warrant for the payment of any compensation to any person in the classified service not so certified. If the auditor shall issue any warrant except as herein provided, he and his sureties shall be liable for the amount thereof at the suit of the city and county or any taxpayer for its use.

Corrupt Practice.

Section 209. No person in the public service shall wilfully and corruptly, by himself or in co-operation with one or more persons, defeat, deceive or obstruct any person in respect to his or her right of examination, nor wilfully, corruptly or falsely mark, grade, estimate or report upon the examination or proper standing of any person examined hereunder, or aid in so doing, or wilfully or corruptly, make any false representation concerning the same or concerning the persons examined, or wilfully or corruptly furnish to any person any special or secret information for the purpose of either improving or injuring the prospects or chances of any person so examined or to be examined, appointed, employed or promoted.

Penalty.

Section 210. Any person who shall violate any of the provisions of this article shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court.

ARTICLE VIII.

FINANCE AND TAXATION.

Fiscal Year—Same as Calendar Year.

Section 211. The fiscal year of the city and county shall commence on the first day of January and end on the last day of December of each year.

Tax Levy—Fifteen Mills Limit.

Section 212. The council, after deducting the amount collectible from other sources, shall levy upon all taxable property, real and personal, within the limits of the city and county, the amount of taxes for city and county purposes necessary to provide for the payment during the ensuing fiscal year, of all properly authorized demands upon the treasury, not exceeding fifteen mills on the dollar for all general city and county purposes upon the total assessed valuation of said property, and shall also, in addition thereto levy the state and school district taxes. The foregoing limitation of fifteen mills shall not apply to taxes which shall annually be levied by the council for the payment of any bonded indebtedness of the city and county, now existing or hereafter created, or interest thereon, nor for sinking fund, nor for the indebtedness of any town or city heretofore consolidated with or hereafter incorporated with, or annexed to, the city and county, or of the interest thereon; nor to special assessments for local improvements.

Assessment Roll—How Completed.

Section 213. It shall be the duty of the assessor, as soon as the assessment roll is ready in each year for the extension of taxes, in accordance with general law, to certify the total amount of property assessed within the limits of the city and county to the council, whereupon the council shall proceed to make the proper levy in mills upon the dollar valuation to meet the expenses of the city and county, and cause the total levies, including school, state and special levies, to be certified by the clerk to the assessor, who shall extend the same upon the tax list of the current year, whereupon he shall issue a general warrant to the treasurer for collection.

Collection of Taxes—Application of State Laws.

Section 214. The treasurer shall collect said taxes in the same manner and at the same time as state taxes are collected, and all laws of this state for the assessment and collection of general taxes, including laws for the sale of property for taxes and the redemption of the same, shall apply, and have as full effect for the collection of taxes for the city and county as for such general taxes, except as modified by this charter. On or before the 5th day of every month the treasurer shall report the amount of tax collections for the preceding month to the auditor.

State and School Taxes.

Section 215. All taxes levied for state and school purposes upon persons and property within the city and county shall be collected by the treasurer and paid out by him in conformity with the general laws of the state. All amounts so collected and disbursed or paid over shall be included in his reports to the auditor and council as required by this charter.

Heads of Departments—Estimate of Expenses to Mayor.

Section 216. On or before the first Monday of November in each year the heads of the various departments, offices and commissions of the city and county shall furnish the mayor an estimate in writing of the probable expense to be incurred in their several departments for the ensuing fiscal year, specifying in detail such probable expenditures, including a statement of the salaries of their subordinates. Duplicates of these estimates shall be sent at the same time to the auditor.

The auditor shall, at the same time, also certify to the mayor the amount of money to be raised by taxation to pay the interest on bonded indebtedness, and to provide for the sinking fund.

Mayor's Budget.

Section 217. On or before the first Monday of December in each year the mayor shall present to the council a detailed statement of the amount necessary to defray the expenses of the city and county government, and of each department thereof, for the ensuing fiscal year, stating also the amount to be raised by taxation to pay interest on bonded indebtedness, and to provide for the sinking fund.

Council Pass Budget—Amendments—Two-thirds Vote.

Section 218. The council shall meet in joint session annually between the first and third Mondays in December, and by a vote of the majority of the members thereof make a budget of the estimated amounts required to pay the expenses of conducting the public business for the next ensuing fiscal year, based on the mayor's budget, and for the other purposes required by this charter. The budget shall be prepared in such details as to the aggregate sum and the items thereof allowed to each department, office or commission as the council shall deem advisable subject to limitations in this charter, but the council shall not change any item in nor the total of the mayor's estimate, except upon a vote of two-thirds of each body thereof.

General Appropriation Bill—Ninety Per Cent Revenue.

Section 219. After the final estimate is made in accordance herewith, it shall be signed by the mayor and clerk and filed in the office of the auditor. The several sums shall then be appropriated by ordinance for the ensuing fiscal year to the several purposes and departments therein named. The total amount appropriated shall in no case exceed ninety (90) per cent. of the

amount of money to be received during the year by taxation, estimated upon the assessor's valuation and the tax levy, and from other sources of revenue.

Interest on Bonds and Sinking Fund—How Raised.

Section 220. The amount required to pay the interest on the bonded indebtedness and provide for the sinking fund shall always be provided for out of the tax on property.

CUSTODY OF PUBLIC MONEYS.

All Moneys Paid to Treasurer—No Extra Fees.

Section 221. All moneys arising from taxes, licenses, fees, fines, penalties and forfeitures, and from any other source whatsoever, which may be collected or received by any officer of the city and county, or any department thereof, in his official capacity, for the performance of any official duty, shall be paid into the treasury. No officer or person other than the treasurer shall pay out or disburse such moneys or any part thereof, except as herein otherwise provided. No officer, deputy, clerk or employe of such officer, shall receive or accept any fee, compensation or payment, other than his salary as now or hereafter fixed by this charter, or by ordinance, for any work or service performed by him of any official nature, or under color of office, whether performed during or after official business hours.

Fees, Etc., Paid in Advance.

Section 222. Every fee, commission, percentage, allowance or other compensation authorized by law or ordinance to be charged, received or collected by any officer or employe for any official service, must be collected in advance, and paid to the treasury by the officer receiving the same, in the manner herein provided.

Officers Pay Collections to Treasurer Daily—Exceptions.

Section 223. Every officer or person collecting any fee, commission, percentage, allowance or compensation, for the performance of any official service or duty of any kind or nature, or rendered in any official capacity, or by reason of any official duty or employment, shall deliver to the treasurer each day all such collections received during the preceding day. *Provided*, the sheriffs and clerks of courts shall only be required to deliver on the first day of each month, such collections as have been received by them during the preceding month. The treasurer shall thereupon deliver to such officer or person a receipt for the money so paid, as hereinbefore provided. The treasurer shall place all such moneys in a separate fund to be designated the "Unapportioned Fee Fund."

Official Receipts Furnished by Commissioner of Supplies.

Section 224. The commissioner of supplies shall prepare and deliver from time to time to the treasurer, and to every officer or

person authorized by law to charge any fee, commission, percentage, allowance or compensation, for the performance of any official service or duty, as many blank official receipts as may be required, charging such person therewith. Such receipts shall be bound into books containing not less than one hundred, and numbered consecutively, beginning with number one in each class required for each fiscal year, and provided with a corresponding stub. When the books containing receipts are exhausted by the officer receiving them, he shall deliver the stubs thereof to the custody of the auditor.

Official Receipt and Stub.

Section 225. Except as otherwise provided in this charter, every officer and employe who shall receive any money, property or other thing of value on behalf of or belonging to the city and county shall give a receipt therefor, which shall state whether given for money, property, services or otherwise, the amount and nature thereof, the date of such receipt, and the name of the person to whom given, and shall make a corresponding entry on the stub to which said receipt was attached.

Treasurer Report to Auditor Monthly.

Section 226. On or before the fifth day of each month the treasurer shall make to the auditor a report under oath of all moneys received by him during the preceding month, from what source and for what purpose received. At the same time, the treasurer shall produce the stubs of all official receipts issued by him during the previous month, and all official receipts remaining in his hands unused at the close of business on the last day thereof.

All Officers Report Collection Monthly to Auditor.

Section 227. On or before the fifth of each month every officer authorized to charge any fee, commission, percentage, allowance or compensation, shall make to the auditor a report under oath, of all official receipts issued by him during the preceding month, showing the amount, to whom and for what purpose issued; and shall at the same time, or oftener if required, exhibit to the auditor or other proper officer, all the treasurer's receipts deposited with him during the preceding month, and all receipts remaining in his hands unused, or not issued, at the close of business on the last day thereof.

Upon receiving these reports the auditor shall examine and settle the accounts of each officer, and apportion such moneys to the fund or funds to which they are appropriated by law, and certify such apportionment to the treasurer, who shall thereupon transfer from the unapportioned fee fund the amount so certified, and credit each fund entitled thereto with the proper amount so apportioned.

Mileage—Reports Concerning.

Section 228. Every officer who is by law allowed to charge and collect mileage for a service of process or other like service, shall at the end of each month prepare and deliver to the auditor a verified statement showing each process served, the title of the cause, the name of the deputy or other subordinate officer who made the service, the number of miles actually traveled in making such service, and the day and hour when the same was made, and the amount collected for such service.

Employees—Monthly Reports as to Service of.

Section 229. When any officer legally authorized to employ a person other than one of his deputies or assistants at a stated compensation fixed by law, and such person has rendered the service for which he was employed, such officer and person shall each, at the end of each month, prepare and deliver to the auditor a verified statement showing the service, by and for whom performed, the amount of compensation therefor, and the time actually employed.

Salaries, Bills, Etc.—How Audited.

Section 230. The monthly salaries of the auditor and his employees shall be audited and allowed by the mayor. All other demands on account of the salaries fixed by law, ordinance, or by this charter, and made payable out of the treasury, shall be allowed by the auditor without any previous approval. Demands payable out of the treasury for salaries, wages or compensation of deputies, clerks, assistants or employees, in any office or department, shall before they can be audited or paid, be first verified, in writing, by the officer, commission, department, or authority under whom, or in which such demand originated. All other demands payable out of any funds in the treasury shall, before they can be allowed by the auditor or paid, be first verified, in writing, by the department, commission or officer in which the same has originated, and in all such cases must be approved by the council, except as otherwise provided in this charter. Every demand against the city and county shall, in addition to the other entries and endorsements upon the same required by this charter, show: (1) The name of the commission, authority or department authorizing the same. (2) The fiscal year within which the indebtedness was incurred. (3) The name of the specific fund out of which the demand is payable. Each demand shall have written or printed upon it a statement that the same can only be paid out of the income and revenue provided and collected for the fiscal year in which the indebtedness was incurred.

Discharged Employees Report to Auditor.

Section 231. Within twenty-four hours after any employee of the city and county shall be discharged or shall cease to be in its employ, the head of the department, office or commission in

which such person was employed shall report to the auditor, giving name of employe and date when such employment ceased.

Stated Accounts With Persons Failing to Pay Amount Due City.

Section 232. Any person chargeable with moneys or other personal property belonging to the city and county, or who has been intrusted with the collection, management or disbursement of any moneys, bonds or interest accruing therefrom belonging to, or held in trust by the city and county, who fails to render an account thereof and make a settlement with the treasurer within the time prescribed by law; or when no particular time is specified, fails to render such account and make such settlement, within ten days after notice from the auditor, then the auditor shall state an account with such person charging twenty-five per centum damages and interest at the rate of ten per centum per annum from the time of such failure, and file a copy thereof with the attorney, and such person, if in the service of the city and county, shall also be subject to removal.

In any suit a copy of such account shall be *prima facie* evidence of the things therein stated. In case the auditor can not, for want of information, state an account, in any action brought that fact may be averred, and it shall be sufficient to allege generally the amount of money, or other property which is due to or which belongs to the city and county. The attorney shall institute all actions arising under this section within ten days after notification by the auditor, and prosecute the same to conclusion.

Salaries Payable Monthly.

Section 233. All salaries and compensation of all officers, and all employes of all classes, and others employed at fixed wages, shall be payable monthly.

THE SEVERAL FUNDS.

Apportionment—Transfer.

Section 234. The income and revenue paid into the treasury shall at once be apportioned to and kept in appropriate funds, and such money, including the several funds now in the treasury, shall not be used for any purpose other than that for which the same were raised, provided that surplus and unused money in any fund may during the fiscal year be transferred from one fund to another by ordinance only, except as otherwise provided in this charter.

General Fund.

Section 235. The general funds shall consist of moneys received into the treasury and not specifically apportioned to any other fund.

Other Funds.

Section 236. The park fund shall consist of moneys annually apportioned thereto and coming into said fund by donation or otherwise, and shall be kept and used only for the improvement of parks, public grounds, planting and maintaining of ornamental trees, shrubs and flowers in said parks or upon the public boulevards.

The public library fund shall consist of the money apportioned thereto, and all money coming into said fund by gift or otherwise, and shall be kept and used only for public library purposes.

The bonded indebtedness interest fund shall be kept and used only in the payment of interest annually accruing on bonded indebtedness.

The sinking fund shall be kept and used only in the purchase, payment and redemption of the bonded indebtedness of the city and county.

The special deposit fund shall consist of money paid into court and deposited with the treasurer, including all moneys in special deposit. Money in the special deposit fund shall be paid out in the manner prescribed by law or by order of the judge of the court depositing the same.

Bills Unpaid at End of Year—How Paid.

Section 237. Any demand against the treasurer remaining unpaid at the end of the fiscal year for lack of money applicable to its payment, shall be paid in the order of its registration out of any money which may subsequently come into the proper fund from delinquent taxes or other uncollected income or revenue for such year.

Redemption of Bonds.

Section 238. When there shall be to the credit of any sinking fund a sum not less than \$20,000, which may be applied to the redemption of any outstanding bonds to which said fund is applicable and which are not redeemable before their maturity, it shall be the duty of the auditor to advertise for ten (10) days in the official newspaper inviting proposals for the surrender and redemption of the bonds, and after such advertisement the money in such sinking fund may be awarded to the person offering to surrender such bonds for the lowest price. Thereupon the treasurer, upon the surrender of the bonds, duly audited by the auditor, shall pay the amount to the person to whom the same was awarded, provided no redemption shall be made for such bonds in a sum greater than the value of the principal and accrued interest.

Should there be no purchase or should a purchase not exhaust such sinking fund, then the balance may be invested by the treasurer in bonds of the city and county maturing at a date prior to those to be redeemed by such sinking fund; *Provided*, he

shall not pay for such bonds a sum greater than the amount of the principal and accrued interest.

POLICE DEPARTMENT RELIEF FUND.

Council Provide For.

Section 239. The council is hereby authorized, and they shall within six months after the adoption of this charter, by ordinance provide for a police department relief fund, to be administered by the board of fire and police, for the following purposes:

For the relief of aged, infirm and disabled members of the police department who have arrived at the age of sixty years, and who upon examination by two regularly certified practicing physicians, appointed for that purpose, may be ascertained to be, by reason of such age, infirmity or disability, unfit for the performance of their duties; *Provided, however*, that no such member shall be entitled to the benefits in this section above provided unless he has been an active member of the department of the city and county or included municipalities for twenty years preceding his retirement. For the relief of any regular member of the police department, while engaged in the line of his duties who shall suffer physical injuries resulting in total disability which prevents him from supporting himself and family; *Provided, however*, that the benefits of this paragraph shall extend to the regular members of the department suffering such disability on November 6, 1900. For the family of any such member of the police department who shall lose his life, leaving a family theretofore depending on him, without means of support; *Provided, however*, in case of total disability, as in this paragraph provided, upon examination by two regularly certified practicing physicians, appointed for that purpose, they shall certify that such disability unfits such member for the performance of his duties.

(As amended May 15, 1906.)

What Moneys Paid Into.

Section 240. The relief fund shall be composed of money from the following sources:

Section 1. All proceeds of the sales of unclaimed property.

2. All moneys received from licenses upon dogs.

3. All moneys received from fines for carrying concealed weapons.

4. All moneys received from fines imposed on the members of the police department for violation of law or the rules and regulations of the department.

5. Fifty per cent. of all moneys and receipts from the licensing of automobiles.

6. Fifty per cent. of all rewards and fees and compensation for any extraordinary service of any member of the police depart-

ment; *Provided*, that not to exceed fifty per cent. of any reward or compensation for any extraordinary service shall be allowed to the person performing the service for which such reward or compensation is paid.

7. All donations and gifts which may be made to said fund.

The council shall annually appropriate a reasonable sum for said fund.

Section 241. Moneys remaining at the end of any fiscal year in this fund shall not be transferred, but shall be invested from time to time, in approved interest bearing securities. The treasurer shall be the custodian of all money and securities provided for in this section.

FIREMEN'S PENSION FUND.

Session Laws 1903, Page 447.

Section 242. The provisions of chapter 172 of the session laws of the state of Colorado of the year 1903, entitled "An act to create and establish a pension fund for firemen, their widows and dependent children, in cities containing a population of over one hundred thousand inhabitants, and having paid fire departments, and for the maintenance, management and conduct of the same," are hereby made and declared to be in full force and effect in the city and county.

ACCOUNTING.

Expert Accountant, \$3,000.00.

Section 243. The mayor shall at least once in each year employ an expert accountant who shall examine the books, records and reports of the treasurer and auditor, and the books, records and reports of such other officers and departments as the mayor may direct, and make triplicate reports thereof to the mayor, auditor and attorney. Such accountant shall have unlimited privilege of investigation, to examine under oath or otherwise all officers and employes of the city and county, and every such officer, clerk and employe shall give all required assistance and information to such accountant, and submit to him for examination such books and papers of his office as may be requested, and failure so to do shall be deemed and held to be a forfeiture and abandonment of his office. The mayor may designate as such expert accountant any responsible corporation engaged in auditing accounts, and the council each year shall appropriate such a sum as may be fixed by the mayor, not, however, exceeding the sum of \$3,000, for the payment of the services of such accountant.

Uniform System of Accounting.

Section 244. The council shall, by ordinance, require a uniform and comparative system of accounting and reporting by the different departments of the city and county.

PUBLIC INDEBTEDNESS.

Department Expend Only One-twelfth of Appropriation in One Month—Exceptions.

Section 245. It shall not be lawful for the council or any commission, department or officer, having power to incur liabilities against the treasury, to incur, allow, contract for, pay or render payable, in the present or future, in any one month, any expenditure or demand against any appropriation which, taken with all other expenditures, indebtedness or liability, made or incurred up to the time in such month of making or incurring the same, exceeds one-twelfth part of the amount of the appropriation for the fiscal year, except as otherwise specifically allowed in this charter.

If, at the beginning of any month, any money remains unexpended in any appropriation which might lawfully have been expended during the preceding months, such unexpended sum, except so much thereof as may be required to pay all unpaid claims upon such appropriation, may be carried forward and expended in any month of such fiscal year, but not afterwards, except in payment of claims lawfully incurred during such fiscal year.

Appropriations provided to meet the expenses of elections, for the support and maintenance of the assessor's department, and for the departments of health, highways, sprinkling, libraries and parks, shall be exempt from the provisions of this section.

Excess Appropriation Forbidden.

Section 246. The council shall not order the payment of money for any purposes whatsoever, nor shall any warrant or other evidence of indebtedness issue in excess of the amount appropriated for the current year, and at the time of said order remaining unexpended in the appropriation of the particular class or department to which such expenditures belong, nor shall any liability or indebtedness incurred in any one fiscal year be a charge upon or paid out of the income or revenue of any other fiscal year.

Appropriation Necessary Before Liability Incurred.

Section 247. Neither the council nor any officer shall have authority to make any contract or do anything binding on, nor impose upon the city and county any liability to pay money, until a definite amount of money shall have been appropriated for the liquidation of all pecuniary liability of the city and county under such contract, or in consequence thereof. Such contract shall be *ab initio*, null and void as to the city and county for any other or further liability; *Provided*, first, that nothing herein contained shall prevent the council from paying any expense, the necessity of which is caused by any casualty, accident or unforeseen contingency, after the passage of the annual appropriation ordinance; and, second, that the provisions of this section shall

not apply to or limit the authority conferred in relation to bonded indebtedness, nor to moneys to be collected by special assessments for local improvements.

ADDITIONAL APPROPRIATIONS.

Additional Appropriations for 1905.

Section 248. The council shall, immediately after the first election following the adoption of this charter, pass such additional appropriation ordinances as may be necessary to pay the salaries and defray the expenses of any and all officers, employes and departments of the city and county for the year 1904, but not thereafter, and which amounts are not provided for under appropriation ordinances heretofore passed, and warrants for the payment of such salaries and expenses, after being allowed and audited, as provided in the charter, may be drawn against such appropriation by the auditor, and the amount so required for the payment of said warrants, or so much thereof as may be necessary, shall be included in the appropriation and paid out of the income and revenue for the year 1905, anything in this charter to the contrary notwithstanding.

MEMORIAL DAY.

Two Hundred Dollars Annually Appropriated.

Section 249. The council shall annually appropriate two hundred dollars for Memorial Day exercises, usually held on May 30th, for the care and preservation of the graves of those buried in the Grand Army cemetery at Riverside.

LIMITATION OF BONDED INDEBTEDNESS.

Three Per Cent of Assessed Valuation—Bonds Authorized by Vote of Taxpayers.

Section 250. No loan shall be made, and no bonds shall be issued for any purpose, except in pursuance of an ordinance authorizing the same, which ordinance shall be irrevocable until the indebtedness therein provided for, and the bonds issued in pursuance thereof, shall have been fully paid. No loan shall be created, nor bonds issued, unless the question of incurring the same and issuing the bonds therefor shall be submitted to the vote of such of the qualified electors of the city and county, as shall in the year next preceding such election have paid a property tax therein, and a majority of those voting upon the question by ballot shall vote in favor of creating such debt and issuing such bonds.

The city and county shall not become indebted for any purpose or in any manner to an amount, which, including existing indebtedness, shall exceed three per cent. of the assessed valuation of the taxable property within the city and county, as shown by the last preceding assessment for city and county purposes; *provided, however,* that in determining the limitation of the city

and county's power to incur indebtedness there shall not be included bonds issued for the acquisition of water, light or other public utilities, works or ways from which the city and county will derive a revenue.

BONDED INDEBTEDNESS AND REFUNDING.

Funding Floating Indebtedness and Refunding Bonds.

Section 251. The mayor and council in office at the time this charter shall take effect, by an ordinance duly passed, approved and published in accordance with the provisions of an act of the general assembly of the state of Colorado, entitled "An act to revise and amend the charter of the city of Denver," approved April 3, A. D. 1893, being the former charter of the city of Denver, or wherever the provisions of said act may not be applicable, then in accordance with the provisions of this charter, shall submit, at the first regular election for officers of said city and county, to a vote of such qualified electors thereof as shall in the next preceding year have paid a property tax therein, the question of incurring an indebtedness of said city and county for the purpose of refunding the present bonded indebtedness of the city and county and included municipalities in whole or in part, and funding the valid floating indebtedness thereof, and issuing the bonds of the city and county therefor; and may in like manner submit the question of incurring such indebtedness and issuing such bonds therefor for any or all of the purposes specified in this charter; and the returns of said election upon said questions shall be canvassed and the result thereof ascertained, determined and certified in the same manner as in the case of the election of officers. The maximum amount of the indebtedness to be so incurred, shall be specified in such ordinance. The floating indebtedness herein referred to shall be investigated and audited by the mayor, auditor and treasurer, who shall report the amount of such valid indebtedness to the council.

ARTICLE IX.

PUBLIC UTILITIES.

Acquisition—Petition—Twenty-five Per Cent Voters—Investigation.

Section 252. Whenever a petition signed by qualified electors in number not less than twenty-five per cent. of the next preceding vote for mayor, requesting the acquisition of any public utility, work or way, shall be presented to the council, the council shall direct the board of public works to investigate the feasibility of the acquisition of such public utility, work or way, and all costs and expenses which would be incurred by such acquisition, and provide by ordinance for the expense of such investigation and such other expenses as may thereafter be made necessary by any of the provisions hereof.

Description of Utility—Signatures.

Section 253. The petition shall describe the proposed public utility, work or way, generally, but with sufficient certainty to enable intelligent action thereon, and may be written and signed on any number of sheets.

Investigation Report.

Section 254. It shall be the duty of the board of public works to comply with the directions of the council and to commence forthwith to carefully investigate whether and how such public utility, work or way, may be acquired, at what probable cost the same may be acquired, and the board shall prepare whatever preliminary specifications, plans and details may be necessary for that purpose; whether, if acquired, it can be operated by the city and county at a profit or advantage, either in quality or cost of service, and after such investigation shall report to the mayor and council, in writing, its findings in the premises, together with all the facts upon which such findings are based, with sufficient particularity that the mayor and council may judge of the correctness of such findings.

Legal Opinion of Attorney.

Section 255. If it shall appear from such findings, that such public utility, work or way can be acquired, at what total maximum cost, including all outlays of every nature and kind necessary to complete the same ready for operation, that the same can be operated by the city and county at a profit or advantage in quality or cost of service to the consumers, stating wherein such profit or advantage consists, and that such public utility, work or way can be paid for out of its net earnings, in not to exceed fifty years, the mayor and council shall obtain and consider the legal opinion of the attorney on all matters of law involved in such proposition.

Mayor Endorse—Board Prepare Ordinance.

Section 256. The mayor shall thereupon endorse his concurrence or non-concurrence upon the same, and he shall forthwith return the same to the board and the board shall thereupon prepare full specifications, plans and details, if such are necessary, together with a revised estimate of said total maximum cost, and shall prepare and recommend to the council a bill for an ordinance providing for the acquisition of such public utility, work or way, which ordinance shall, among other things, provide the full general description of the proposed public utility, work or way, the said revised total maximum estimated cost thereof, the manner in which such public utility, work or way shall be acquired, whether by purchase, condemnation, construction, or otherwise, and the maximum amount of bonds to be issued and the number of installments and time when such bonds shall mature, and the rate of interest thereon; and shall authorize the acquisition of such public utility, work or way, in the manner so

stated and at not to exceed such total maximum estimated cost therein stated, and not otherwise.

Submission of Ordinance to Taxpaying Electors.

Section 257. Upon the passage of such ordinance the question of whether or not such bonds shall issue, shall be submitted to the tax-paying electors who shall have paid taxes in the calendar year next preceding, and if a majority of such tax-paying electors voting thereon vote in favor of the issuance of such bonds, such public utility, work or way, shall be acquired under and pursuant to such ordinance, and such bonds shall be issued and such bonds or the proceeds thereof used in payment therefor to the extent necessary; such question shall be submitted at the next general election occurring not earlier than ninety days after the passage of such ordinance, unless the council shall vote in favor of submitting such question at a special election, when it shall be submitted at a special election not earlier than ninety days after the passage of such ordinance. More than one such question may be separately submitted at the same election.

Cost Paid by Bonds—Sinking Fund.

Section 258. The cost of acquiring any public utility, work or way, shall be paid by bonds of the city and county to be issued as provided by ordinance, but said ordinance shall also provide for a sinking fund for the payment of interest and redemption of bonds as they mature; *Provided*, that the primary liability to pay the interest and principal of said bonds shall remain on the city and county, notwithstanding such sinking fund.

Bonds Mature in Five to Fifty Years.

Section 259. All bonds issued under the provisions of this article shall mature in equal five-yearly installments, the first installment to mature not earlier than five years and the last installment not later than fifty years from the date of original issue, with interest at not to exceed four per centum per annum, and the principal and interest may be made payable in the city and county and elsewhere, as may be provided in the ordinance providing for the acquisition of such public utility, work or way; said bonds may be used in whole or in part, or may be sold in whole or in part and the proceeds thereof used, as far as required, in the payment for such public utility, work or way, but no such bonds shall be used or sold at less than par, with accrued interest, nor sold except after advertisement, as in this charter provided, for the sale of public improvement bonds, and such bonds and the interest thereon shall be paid by the treasurer, without a warrant from the auditor.

Treasurer's Accounts With Public Utility.

Section 260. The treasurer shall open a separate account for each public utility, work or way so acquired and enter therein all receipts and disbursements on account thereof, and all moneys so received shall be paid to the treasurer, and paid out by him

only upon the warrant of the board, audited by the auditor, except as otherwise herein provided.

Surplus Receipts to Sinking Fund—Redemption and Purchase of Bonds.

Section 261. All surplus receipts from any public utility, work or way so acquired, over and above operating expenses, shall be paid into a sinking fund to be kept by the treasurer on account of such public utility, work or way, and all bonds and coupons shall be paid out of such sinking fund. Whenever there shall be a surplus in the sinking fund in excess of the next installment of maturing bonds and interest on all outstanding bonds to the next interest payment, such surplus may be invested in bonds of the city and county at not above their market value, nor above par with accrued interest, or it may be used in redeeming outstanding bonds maturing at any future period, at not more than their market value, nor more than their par value with accrued interest. As soon as all the outstanding bonds, with interest, shall have been so paid out of the sinking fund, or there shall be sufficient money in such sinking fund to pay the same, principal and interest, the balance remaining in the sinking fund and all net earnings thereafter shall be paid into the general fund, unless some or all thereof shall be needed for improvements or betterments, in which event the council may appropriate the same as may be required.

Rights of Way—How Acquired.

Section 262. All rights of way and easements which shall be necessary in or about the acquisition of such public utility, work or way, shall be acquired in the manner provided for the acquisition of such rights of way and easements in the case of public improvements, and all condemnation proceedings shall be as provided by law.

Council Fix Rates.

Section 263. The council shall fix the rates for the service to be rendered by each such public utility, work or way, but, until such public utility, work or way shall have been fully paid, or its payment provided for, by said sinking fund, as aforesaid, such rates shall never be less than sufficient, annually, to pay all cost of maintenance and operation, plus accruing interest on all outstanding bonds, and plus such pro rata amount of the principal of the total issue of bonds as shall be necessary to produce the principal of each installment of bonds as such installments mature, and if during any one year the rates charged shall prove insufficient for such purpose, they shall be increased for the next succeeding year sufficiently to pay such deficiency; and after all of said bonds and interest shall have been fully paid, the rates shall never be less than sufficient to pay for all expenses of maintaining and operating such public utility, work or way.

Sixty Dollar (\$60.00) Arc Lamps.

Section 263-A. The Mayor and Council of the City and County of Denver are hereby directed to enter into a contract for street arc lamps, at the rate of sixty dollars (\$60.00) per year, for the period of ten (10) years, with The Denver Gas & Electric Company, and to authorize The Denver Gas & Electric Company to purchase the property of The Lacombe Electric Company, discharged of any option of the City and County of Denver to purchase the same; *Provided*, That said The Denver Gas & Electric Company procures a release from The Lacombe Electric Company of the contract with the City and County of Denver to pay ninety dollars (\$90.00) per year for arc lights.

(New Section. Adopted May 15, 1906.)

Board of Public Works Control Such Public Utilities.

Section 264. The board of public works shall have full charge and control of all public utilities, works and ways which may be acquired and shall perform all duties in any way connected with the maintenance, improvement and operation of the same.

PUBLIC UTILITIES COMMISSION.

Section 264-a. Nothing in the preceding sections or in this charter, except as herein specifically provided, shall apply to the acquisition or operation of a water works or supplying the City and County of Denver and its inhabitants with water for all uses and purposes, but a public utilities commission is hereby created, to consist of three members, to have complete charge and control thereof, and to have and exercise all the powers given to the board of public works in Chapter IX, as to all public utilities.

Membership Six Years—Salary, \$4,000.00—Bond, \$10,000.00.

Except as herein provided, each member of said commission shall be elected for a term of six years and shall serve until his successor is elected and qualifies, and his salary shall be four thousand dollars per annum, payable in equal monthly installments by the treasurer out of the general fund upon the warrant of the commission, and Armour C. Anderson, Edwin Van Cise and A. Lincoln Fellows are hereby elected as the first members of said commission to serve, in the order named, from the date of their election to June 1, 1912, June 1, 1914, and June 1, 1916, respectively, and until their successors are elected and qualify. The names of all candidates hereafter nominated for members of said Commission shall appear on the official ballot without any party designation in connection therewith. Each commissioner shall give bond in the sum of \$10,000 in the manner provided in section 152 of the charter.

Powers and Duties.

Said commission shall have power to employ a secretary and such legal and technical help as it may deem necessary, and shall,

subject to the civil service provisions of this charter, hire all other employes, and shall fix and pay all salaries and wages and shall fix and collect all rates and charges for any service under its control, which rates and charges shall be made as low as good service will permit. Said commission may adopt reasonable rules and regulations with reference to such service. It shall make an itemized monthly statement of all moneys received and paid out by it, a copy of which it shall file with the city auditor, and shall daily turn over to the city treasurer, as provided in section 260, the money received by it, said money to be paid out by the treasurer only upon the warrant of said commission. Said commission shall have and exercise all the powers of the city and county granted in the constitution or named in the charter in the matter of constructing, purchasing, condemning and purchasing, acquiring, leasing, adding to, maintaining, conducting and operating a water plant or system for all uses and purposes and everything pertaining or deemed necessary or incidental thereto. It shall institute and defend all litigation affecting its duties and powers or in relation to its trusts and all expenses thereof shall be paid by the treasurer out of the general fund upon the warrant of the commission, and it may also call to its assistance the city attorney or any other department of the city government.

Purchase of Water Plant, Etc.

Except as in this section provided, the city and county shall never purchase or acquire or exercise any option, right, privilege or power of purchasing or acquiring any water plant or system from any person, persons or corporation, except upon a vote of the qualified electors first had and obtained authorizing the same, and wherever in any ordinance or contract the former City of Denver was given the right, or the city and county now has the privilege or power to purchase or acquire any water system or plant or to extend any contract with reference thereto, the term "city" used in any such ordinance or contract shall be taken and held to mean the qualified electors of the city and county and not otherwise. No plant owned, acquired or constructed by the city and county and no water rights owned or acquired by the city and county shall ever be sold, leased or otherwise disposed of except upon a vote of the qualified electors first had and obtained, and the same shall be under the sole control and management of said commission.

Recall of Members—Vacancy, How Filled.

Any member of said commission may be recalled and his successor named at any time in the manner provided by the recall section of this charter. Any vacancy shall be filled by the remaining members of the commission and such appointee shall serve until the next municipal election and until his successor is elected and qualifies.

Municipal Water Plant.

Upon a vote of the taxpaying electors authorizing the same, as hereinafter provided, the City and County of Denver shall and it does hereby authorize the creation of an indebtedness in the sum of eight million dollars to provide a municipal water plant or system and everything incidental or necessary thereto for supplying the city and county and its inhabitants with water for all uses and purposes, said indebtedness to be evidenced by its bonds of the par value of eight million dollars, in convenient denominations of not more than one thousand dollars each and bearing four and one-half per centum interest per annum, of such date and in such form and maturing at such times as may be prescribed by said commission. The council shall pass such ordinances as said commission may deem necessary respecting the issuance of said bonds or to the full exercise of all the powers given it, in the form recommended by the commission, and without amendment, and the mayor shall sign the same. Said commission shall issue said bonds only from time to time as they are required for actual use or sale, and the mayor shall sign them and the clerk shall sign and attest them under the seal of the city and the auditor shall register them, with the approval of the president of said commission endorsed thereon. No such bonds shall be used or sold at less than par, nor sold except after advertisement as in this charter provided, or the sale of public improvement bonds, and they may be called for redemption and redeemed by the commission in like manner as provided in section 314.

D. U. W. Co. May Sell Plant for \$7,000,000.00 on or Before July 1, 1910.

If the Denver Union Water Company shall place in escrow with the Continental Trust Company of Denver, on or before July 1, 1910, a good and sufficient deed of conveyance from said water company, to the City and County of Denver for all the property of every description included and embraced in the appraisal made under Ordinance 163, series of 1907, free and clear of all liens, encumbrances, claims and demands of every kind and character, accompanied by a valid surrender and release of any and all rights, claims and demands said company or any of its subsidiary associated or affiliated companies may have against the city and county or against any of said property, with direction in writing to deliver the same to said commission in exchange for seven million dollars of said bonds at par, then the commission shall file its acceptance with said trust company and the same shall constitute a binding contract of purchase. In that event then at a special election which the council shall call within sixty days after the adoption of this amendment, to be held on the first Tuesday in September, 1910, there shall be submitted to the qualified taxpaying electors the question of issuing the said eight million dollars in bonds, of which seven mil-

lion dollars at par shall be delivered to said trust company as aforesaid and the other one million dollars of bonds, or so much thereof as may be deemed necessary, shall be sold or used by the commission to improve, repair and add to the water plant so purchased. The ballot shall have printed on it the words, "For the issuance of Eight Million Dollars in bonds for the Purchase and Repair of the existing Water Plant under the provisions of section 264-a of the Charter," and on a separate line the words, "Against the issuance of Eight Million Dollars in bonds for the Purchase and Repair of the existing Water Plant under the provisions of section 264-a of the Charter," with a space opposite each such line in which the voter may make his mark indicating his vote.

If D. U. W. Co. Refuse to Sell, Commission Shall Submit the Question of Constructing a Municipal Water Plant.

In case the Denver Union Water Company shall fail or refuse to fully comply with all the foregoing provisions as to the things to be done and performed by it, then at the special election aforesaid in lieu of the foregoing question, there shall be submitted to the qualified taxpaying electors on the ballot the question of issuing eight million dollars in bonds to be sold or used to construct and put into operation a complete system of water works for supplying said city and county and the inhabitants thereof with water for all uses and purposes. Said ballot shall have printed on it the words, "For the issuance of Eight Million Dollars in bonds for the Construction of a new Municipal Water Plant," and on a separate line the words, "Against the Issuance of Eight Million Dollars in bonds for the Construction of a new Municipal Water Plant," with a space opposite each such line in which the voter may make his mark indicating his vote. Such bonds, or so much thereof as the commission may deem necessary, shall be sold or used, by it to construct and put into operation a complete system of water works for supplying said city and county and its inhabitants with water for all uses and purposes, and said commission shall forthwith proceed to construct the same.

Failure of D. U. W. Co. to Accept—Commission Investigate Value of Plant — May Submit Alternative Bond Proposition for More Than \$8,000,000.00.

The said commission shall immediately upon its election, in case the Denver Union Water Company has not accepted the seven million dollars in bonds for its plant as aforesaid, proceed to make a careful investigation of the value of said plant for the uses and purposes of the City and County of Denver and its inhabitants, and also proceed to make a careful estimate of the cost of constructing a complete new water system for the City and County of Denver and the inhabitants thereof and may submit an alternative bond proposition at said special election for the issuance of bonds in such sum as it may deem advisable for

the acquisition or construction of a water plant or any part thereof by any of the ways within its powers herein mentioned, and the same shall be placed on said ballot in such form as said commission may determine, and it may also submit any proposition concerning its powers or trust at any municipal election in like manner. If a majority of the votes cast thereon shall be in favor of any proposition submitted it shall thereby be adopted, and in case alternative propositions are submitted, and each receive a majority, then the one receiving the greater affirmative vote shall be the one adopted. Such adoption shall be a sufficient authorization for the issuance of the bonds thereby provided for and the same, when issued, shall be and constitute an indebtedness of the City and County of Denver for the purposes aforesaid, and the provisions in this section relative to the issue, sale and redemption of bonds shall apply thereto. Any provision of the charter in conflict herewith is hereby repealed.

(New section adopted May 17, 1910.)

ARTICLE X.

FRANCHISES.

Franchises—Vote by Taxpaying Electors.

Section 265. No franchises relating to any street, alley or public place of the city and county shall be granted except upon the vote of the qualified tax-paying electors, and the question of its being granted shall be submitted to such vote upon deposit with the treasurer of the expense (to be determined by the treasurer) of such submission by the applicant for said franchise.

Not More Than Twenty Years—Specify Streets, Etc.

Section 266. All franchises or privileges hereafter granted to corporations or individuals shall be limited to twenty years from the granting of the same, and such franchises or privileges so granted shall plainly specify on what particular streets, alleys or avenues the same shall apply; and no franchises or privileges shall hereafter be granted by the city and county in general terms or to apply to the city and county generally.

Ordinance Not Passed for Thirty Days—Advertisement.

Section 267. No ordinance submitting any franchise shall be put on its final passage, in either board, within thirty days of its introduction or initiation, nor until the bill therefor has been published not less than five consecutive times in some daily newspaper published in the city and county. No exclusive franchise shall be granted.

Charges for Service to Be Exercised by People.

Section 268. All power to regulate the charges for service by public utility corporations, is hereby reserved to the people, to be exercised by them in the manner herein provided for initiating an ordinance.

Temporary Permits.

Section 269. The council may grant a license or permit at any time, in or to any street, alley or public place, provided such license or permit shall be revocable at any time, and such right to revoke shall be expressly reserved in every license or permit which may be granted hereunder.

ARTICLE XI.

PUBLIC IMPROVEMENTS.

Contracts—How Made.

Section 270. The city and county shall have power to contract for and make local improvements, and to assess the cost thereof wholly or in part upon the property especially benefited, as hereinafter provided. All contracts for public improvements shall be awarded by the mayor, upon the recommendation of the board of public works (hereinafter designated the "board"), and the improvements shall be constructed by and under the direction of the board, in accordance with specifications prescribed by the board.

In all cases when the cost of local improvements is to be assessed wholly or in part upon the property benefited, the same shall be constructed by independent contract or contracts; but other public improvements may be constructed by day labor under the direction of the board.

Local Improvements to Be Authorized by Ordinance.

Section 271. Whenever the board shall by resolution order any of the local improvements herein mentioned, the same shall be authorized by ordinance, which ordinance shall be in the form recommended by the board, by endorsement thereon, and shall not be subject to amendment by the council.

Paving (Definition), Grading, Etc.—How Ordered.

Section 272. The board may, in districts to be prescribed by the board, order the paving (the term "paving" wherever used in this charter shall include macadamizing), grading, curbing, guttering, surfacing with an average thickness of three inches of suitable material, and the construction and re-construction of sidewalks upon, and otherwise improving of, the whole or any part or parts of any street or streets, alley or alleys, or streets and alleys, in the city and county, or any combination of the said improvements, including the necessary grades, cross-walks, culverts, drains, readjusting man-holes and catch-basins, and such other incidentals, including incidental storm sewers in the case of paving, as the board may prescribe; and the board may thereafter, under the conditions herein prescribed, do such further grading as may be necessary in paving or otherwise improving the same area; *Provided:*

First: Before ordering the improvements mentioned in this section, or any of them, the board shall adopt full details and

specifications for the same, permitting and encouraging competition, determine the number of installments and time in which the cost shall be payable, the rate of interest on unpaid installments, and the district of lands to be assessed for the same, as in this article provided; and shall cause the engineer to make an estimate of the total cost of such improvements, exclusive of the per centum for cost of collection and other incidentals, and of interest to the time the first installment comes due, and a map of the district to be assessed, from which map the approximate share of said total cost that will be assessed upon each piece of real estate in the district may be readily ascertained; and no contract shall be let for any amount exceeding the total estimate of the engineer.

Second: The board shall by advertisement for ten consecutive days, exclusive of Sundays and other legal holidays, in two daily newspapers of general circulation, published in the city and county, give notice to the owners of the real estate in the district and to all persons interested, generally, and without naming such owners or persons, of the kinds of improvement proposed (without mentioning minor details or incidentals), the number of installments and time in which the cost of the improvements will be payable, the rate of interest on unpaid installments, the extent of the district to be assessed (by boundaries or other brief description), the probable cost as shown by the total estimate of the engineer, the maximum share of said total estimate per front foot, where the assessment is made per front foot, or per square foot or ordinary lot of twenty-five by one hundred and twenty-five feet, where the assessment is made according to area, that will be assessed upon any lot or lands in the district (and in case the assessment shall be made otherwise than per front foot or square foot, the said maximum share to be assessed upon any lot or lands in the district or to any persons shall be stated according to the method of assessment adopted in the district), and the time, not less than sixty (60) days after the first publication when the board will consider the ordering of the proposed improvements and hear all complaints and objections that may be made in writing concerning the proposed improvements, by the owner of any real estate to be assessed, or any persons interested, that said map and estimate and all proceedings of the board in the premises are on file and can be seen and examined at the office of the board during business hours, at any time within said period of sixty (60) days, by any person interested.

Third: If the owners of one-third of the frontage of the real estate to be assessed shall petition for paving, and name the kind of paving, whether asphalt, macadam, stone, brick or any other kind of substantial paving, then the improvements shall be ordered; *Provided*, the board shall deem such proposed improvement good and sufficient for the particular locality, and the kind

of pavement so named shall be used, except that no petition or specifications shall name any material from any specified locality, quarry or kiln or of any particular name, make, brand or source. The petition must be subscribed and acknowledged in the manner provided by law for acknowledgments of deeds of conveyance of real estate, by the owners or their agents duly thereunto authorized by power of attorney acknowledged in like manner, of one-third of the frontage of the real estate to be assessed for the same. No petitioner, his heirs or assigns, shall be permitted to withdraw his name from the petition after the same has been filed with the board, unless the board fails to order such improvements, upon such petition, within nine months from the time the petition is so filed. All requests for withdrawal must be subscribed and acknowledged as aforesaid.

Every petition shall state the maximum cost per front foot, exclusive of interest and cost of collection, for the entire improvement when completed, and the amount so named shall not be exceeded. All matters contained in the petition, except the naming of the kind of pavement, as aforesaid, and of the maximum cost, as aforesaid, may be disregarded by the board, and any one or more of the other improvements mentioned in this section may be added by the board, if the maximum cost is not exceeded.

Where the paving petitioned for in any number of petitions is substantially the same, the improvement may be included in one district, but in such case each petition shall be considered as a unit for the purpose of petition and remonstrance, and may be considered as a unit for any other purpose, as the board may direct.

But no petition shall be required to authorize the board to order any paving mentioned in this section; *Provided*, that no paving, alone or in combination with other improvements, unless a petition therefor has been filed as aforesaid, shall be ordered if the amount to be assessed therefor, upon any piece of real estate, shall exceed one-half its valuation for assessment for general taxes for the year preceding the proposed order; *Provided*, that if, owing to peculiar conditions, only exceptional pieces of real estate will be so affected, the city and county may assume and pay such excess, or the improvement of such pieces of real estate may be excepted from the district and the improvement ordered. And, *Provided, further*, that except on petition, no paving district shall include more than twelve (12) blocks of street, with intersections.

Fourth: If within the time specified in said notice a remonstrance against the making of all the improvements proposed shall be filed with the board, subscribed and acknowledged as above provided for petitions, by the owners of not less than thirty-five per centum of the frontage of the real estate to be assessed for paving alone, or for paving in combination with other

improvements, or by the owners of a majority of the frontage of the real estate to be assessed for any other improvement or combination of improvements, without paving, the improvements shall not be made; *Provided*, that the construction of sewers shall not be subject to remonstrance.

No owner, his heirs or assigns, who shall have signed and not withdrawn from a paving petition before the same is filed with the board, shall be permitted to sign a remonstrance against the paving proposed.

Fifth. In all specifications for material to be used in public improvements of every kind the board shall establish a standard of purity, strength and quality, to be demonstrated by physical and chemical tests within limits of reasonable variations, such as rattler, crushing, absorption, chemical and other tests, and in every instance the material shall be described in the specifications either by standard or quality, as will admit of genuine competition between contractors, so that there can be at least two or more bids by individuals or companies in no manner connected with each other, and no material shall be specified which shall not be subject to such competition.

Sixth. All the proceedings by the board may be modified, confirmed or rescinded by the board at any time prior to the passage of the ordinance authorizing the improvements; *Provided*, that no substantial change in the district, map, details, specifications or estimate shall be made by the board after the first publication of the notice to property owners.

Seventh. In all cases of paving, the specifications and contract shall provide that bidders shall guarantee that the paving shall remain in good order and repair for a period of five years, and to make all necessary repairs during such period without further compensation; *Provided*, that in case of macadamizing, the guaranty shall, after two years, extend only to the maintaining of a perfect grade, surface and foundation, and not to any diminution of the thickness of the original pavement by wear and tear; in case of cement concrete curb, gutter or sidewalk, the specifications and contract shall provide for a guaranty of two years; and the board may provide for a guaranty for a reasonable time, not to exceed two years, of all other work.

Eighth. If at the time of the passage of the ordinance authorizing the improvements for any district, any piece of real estate in the district has the whole or any part of the proposed improvements, conforming or approximately conforming to the general plan, the board may adopt the same, in whole or in part, or make the necessary changes to make the same conform to the general plan, and the owner of such real estate shall, when the assessment is made, be credited with the amount which is saved by reason of adopting or adapting such existing improvements.

Ninth. The finding of the council by ordinance, that any improvements provided for in this article were duly ordered after

notice duly given, or that a petition or remonstrance was, or was not filed, or was or was not duly subscribed and acknowledged by the required number of owners, as in this article provided, shall be conclusive in every court or other tribunal.

Assessment of Cost—How Apportioned.

Section 273. In case of the improvement of any street as hereinabove provided, except as otherwise provided in this article, the cost of the improvements, except in the intersection of the streets and alleys, and except the share to be paid by street or other railway companies, shall be assessed upon all the lots and lands abutting on the streets improved, in proportion as the frontage of each lot or tract of land is to the frontage of all the lots and lands so improved, the sides of corner lots, which sides abut on the streets so improved, being regarded as frontage; *Provided*, that where the lots or lands abutting on the street improved are not of substantially equal depth, or where any of such lots or lands are less than one hundred and fifty feet in depth, then if the board so determine, the real estate abutting on the street improved may be assessed to a substantially equal depth, not less than twenty and not more than one hundred and fifty feet from the street improved, without regard to lot or land lines, as the board may determine; and in all such cases the board may divide the depth of the real estate so to be assessed into from two to six zones, parallel with the street improved, and apportion the amount to be paid for the entire depth to the different zones, in proportion to the benefits received by each zone, and wherever a lot or land line lies within such zone, the board may determine the proportion to be paid upon the real estate lying on each side of such line within the zone; *Provided*, that in improvement districts for the combined grading, curbing, guttering and surfacing (and any other improvements mentioned in section 272 hereof, which may be included) of any street which constitutes or is suitable for a general thoroughfare or boulevard, the whole or any part of the cost of either grading or surfacing, or both, may be paid for by the city and county out of the general revenue, as may be provided by ordinance, and the remainder of the total cost of such combined improvements shall be assessed and paid for as in other cases of grading, curbing, guttering and surfacing.

Intersections—How Cost Apportioned.

Section 274. In case of the improvement of any street, except as otherwise provided herein, the cost of the improvements in each street intersection, except the share to be paid by street or other railway companies, shall be assessed upon all the frontage on the street improved, and on the intersecting streets within a distance of one-half block in each direction from such intersection, in proportion to the frontage of each piece of real estate on the street improved or on any intersecting street, or on both, within said distance; and the cost of each alley intersection

shall be assessed upon all the real estate in the same block in proportion to the frontage on the street improved.

Alley Paving—Not Subject to Remonstrance.

Section 275. The paving of any alley or alleys connecting with any paved street, when ordered by the board, shall not be the subject of remonstrance, but owners of the frontage to be assessed shall have the right to present objections to such paving, as herein provided.

Irregular Shapes—How Cost Assessed.

Section 276. When any real estate is "V" shaped or of any irregular form, the council may, upon the recommendation of the board, make such allowance in the assessment thereon as to them may seem equitable and just, or may refuse to make any allowance; and in case of any unusual area or proportion of intersections the board may order not to exceed one-half of the cost of such intersections to be paid by the city and county, and the remainder only shall in such case be assessed.

Definition of Terms.

Section 277. The term "street," as used in this article, shall include avenues, boulevards and other highways; the term "real estate" shall be held to mean all lands, whether platted or unplatted, regardless of lot or land lines. Lots, plots, blocks and other subdivisions may be designated in accordance with any recorded plat thereof, and unplatted lands by any definite description.

SIDEWALKS.

Include Grading—Owners Construct Walks—Conditions.

Section 278. In districts for the construction and reconstruction of sidewalks alone, or in combination with other improvements, the work shall include the necessary grading from curb line to lot line. The owners shall have the right to construct or reconstruct their own walks, in conformity with the plans and specifications for the district, within thirty days from the publication of the ordinance creating the district, upon the deposit with the treasurer of the city and county of the approximate pro rata share of the total cost of the district, excepting construction, reconstruction and grading, to be fixed by the board, and when such cost is definitely ascertained the excess deposited shall be returned. And whenever sidewalks are ordered, in combination with improvements other than grading sidewalk areas, a separate contract shall be let for the construction and reconstruction of the sidewalks, exclusive of the necessary grading.

Cost of Construction—How Apportioned.

Section 279. The whole cost of construction and reconstruction, including intersections and necessary grading and removal of obstructions, shall be assessed upon the lots or lands in front

of which such improvements are made, as follows: The grading, removal of obstructions, intersections and all other general expenses, including cost of collection and interest, pro rata per front foot; new walks pro rata per front foot where constructed; and reconstructed walks upon each lot or piece of land where reconstructed according to the cost of reconstruction.

Sidewalks Other Than in Sidewalk Districts.

Section 280. The board may order the construction or reconstruction of sidewalks otherwise than in districts, whenever in the opinion of the board it shall be proper, because sufficient sidewalks have been laid in the vicinity, to make it reasonable that intervening sidewalk areas should be provided with sidewalks, or existing sidewalks should be reconstructed; in all such cases the board shall notify the owner or his agent to construct or reconstruct such walks within thirty days from the date of the service of such notice. Said notice shall be in writing and served in person upon the owner, if found within the city and county, and if not, it may be served by registered United States mail or by publication for ten days in some daily newspaper published in the city and county. Whenever the owner shall be in default the board may have the required work done by day labor or contract, and when done, issue to the person doing the work its certificate therefor, stating the just amount due him, which certificate shall draw interest at the rate of one per centum per month until paid, and when recorded in the office of the recorder, shall be a lien upon the property in front of which the work was done, and said amount may be recovered by the holder of the certificate against the owner in any court of law, and said lien may be foreclosed by the holder of such certificate, if not paid within thirty days from its date.

The council may, by ordinance, provide any further means for compelling the owners of such property to do the work in this section mentioned and referred to.

Official Grade—When Walks Not Laid To.

Section 281. All sidewalks ordered by the board shall be laid to the official grade, unless the owners of at least three-fourths of the frontage on any side of one block request that the sidewalks on such frontage be laid otherwise than to official grade, and the board shall deem such request reasonable.

SEWERS.

Sewer Systems—Establishment of.

Section 282. The city and county may establish and maintain separate or combined sewer systems, which systems shall be divided into district and subdistrict sewers for storm drainage, sanitary drainage, or both.

How Constructed.

Section 283. Said sewers shall be established and constructed at such time, in such locations, or such extent, dimensions and materials, and in accordance with such full details and specifications as may be prescribed by the board. Wherever necessary, rights of way for any sewers authorized by this article may, upon the order of the board, be purchased or condemned on behalf of the district, and the cost charged to such district.

Sewer Districts—Sanitary, Storm, Etc.

Section 284. The board may order the construction of district sewers and appurtenances for sanitary drainage for districts to be known as sanitary sewer districts; the construction of district sewers and appurtenances for storm drainage for districts to be known as storm sewer districts; the construction of district sewers and appurtenances for storm and sanitary drainage for districts to be known as combined sewer districts; the construction of intercepting sewers and appurtenances for storm drainage, sanitary drainage or both, for districts to be known as intercepting sewer districts, and the construction of district sewers and appurtenances for sanitary drainage for districts to be known as special sanitary sewer districts, the same to be approved by ordinance passed by a two-thirds vote of the council. Such sewers shall be constructed so as to connect, within or without the district, with some other or sufficient sewer or with some natural drainage. Such districts, except special sanitary sewer districts, may be composed of subdistricts, to be specifically named or numbered in said ordinance. District sewers, except as hereinafter provided, shall include all submains necessary to provide outlets for all subdistrict laterals within the district. Special district sewers shall include the necessary mains to provide outlets for all laterals within the special sewer district.

Subdistrict Laterals.

Section 285. The board may, at the time of ordering the construction of district sewers, or at any time or times thereafter, order the construction of subdistrict laterals in any of such subdistricts, so as to connect the same with the submains or with the district sewer, the same to be approved by ordinance as in the case of district sewers.

Cost—How Apportioned.

Section 286. The cost of district sewers shall be assessed upon all the real estate in the district, in proportion as the area of each piece of real estate in the district is to the area of all of the real estate in the district, exclusive of public highways, and the cost of subdistrict laterals shall be assessed in like manner upon all the real estate in the subdistrict; *Provided*, that the construction of any submain may be omitted until such time as it may be required, in which case subdistricts so left without

submains shall not be assessed for any part of the costs of submains constructed along with and as a part of the district sewer. Whenever submains so omitted are required, their construction may be ordered as in this article provided for other sewers, and their cost shall be assessed to the subdistricts which are thus supplied with submains.

Temporary Connections.

Section 287. Temporary connections may be made with any sewer from property lying without districts, with the consent of the board and upon such terms as the board may require.

Private Sewers.

Section 288. Private sewers connecting with district sewers may be constructed under such restrictions and subject to such regulations as may be prescribed by the board, but no expense shall be incurred by the city and county in constructing or maintaining them; and the city and county shall have power by ordinance to compel the owners of any premises in any sewer district or subdistrict to connect the same with the district or subdistrict sewer at their own expense.

Construction Not Subject to Remonstrance.

Section 289. In ordering the construction of sewers, the board shall proceed as required in the first, second and sixth provisos of section 272 hereof, but the construction of such sewers shall not be subject to petition or remonstrance.

Sewer Extensions.

Section 290. The city and county may extend and maintain any existing public sewer or any district sewer main hereafter constructed, from its outlet to any point within or without the city and county. Such sewer extensions shall be established and constructed at such times, in locations within or without the city and county, of such extent, dimensions and material, and in accordance with such full details and specifications as may be prescribed by the board. Necessary rights of way may, upon the order of the board, be purchased or condemned on behalf of the city and county, and the whole cost thereof, sewer and rights of way, shall be paid by the city and county.

No Connections Until Cost Is Paid.

Section 291. No lots in any sewer district shall be connected with the district sewer unless, before completion the estimated cost, or, after completion, the assessment has been paid.

Illegal Assessment—Connections Not Made Till Cost Paid.

Section 292. If in any sewer district any assessments upon the lots therein for the construction of a sewer therein has in any court of competent jurisdiction been held illegal, the owner of any lot in such district shall only be permitted to connect with or use such sewer upon payment into the treasury for the use of

the holders of the warrants or bonds issued for the construction of such sewer, or if such warrants have been taken up, then into the general fund of the city and county, such amount as may be fixed by ordinance.

VIADUCTS AND TUNNELS.

Board May Order Construction—Districts.

Section 293. The board may order the construction of viaducts and tunnels in such locations, of such character and material, including paving and suitable approaches, and in accordance with such specifications, as may be prescribed by the board; and unless otherwise ordered by the board and the council, the entire cost thereof shall be assessed upon the districts benefited thereby, as hereinafter provided.

Such districts may be created by ordinance upon the recommendation of the board, as provided in section 271 hereof; and may include or except the real estate, or any part thereof, lying between the termini or between lines intersecting the termini of such improvements, and any real estate so excepted shall be designated on the map as "excepted" from said district; *Provided*, that if approaches approved by the board are constructed between such termini, no real estate between the termini accessible from such approaches shall be excepted; or if being excepted, such approaches are afterwards constructed, then the whole cost of the approaches shall, in like manner and upon like notice be assessed upon the real estate so excepted, together with such additional amounts as may be apportioned by ordinance, upon recommendation of the board, as the share of the cost of the principal structure to be borne by the territory so excepted, the same to be credited to the remainder of the district after hearings, as the same may be provided for by ordinance. The term "tunnels," as used in this charter, shall be held to include open cuts.

Remonstrance—Thirty-five Per Cent. of Owners—Use of Viaduct, Etc.

Section 294. The proceedings shall be as required in the first, second and sixth provisos of section 272 hereof; and if, within the time specified in the advertisement of the board, a remonstrance shall be filed with the board, subscribed and acknowledged as provided in the third proviso of section 272 hereof, by the owners of thirty-five per cent. in area of the real estate which is to be assessed for the improvements, then the improvements shall not be made, and the proceedings shall not be renewed for six months thereafter.

No viaduct or tunnel constructed in pursuance of this article shall be occupied by any tracks of any kind, or used by cars or other vehicles of any kind propelled upon tracks or trams, by steam, electricity, cable or other power, or for the support of any poles, wires, pipes or other conduits of any kind, except only such as may be necessary for the maintenance of such viaduct or

tunnel, or used as a means of immediate approach to any saloon or other place where intoxicating or malt liquors are sold or given away, except upon a petition of the owners of a majority in area of the real estate which is or is to be assessed for the improvements, unless in the resolution of the board ordering the improvements and in the ordinance authorizing the same, provision shall be made for such occupation or use; but no such provision shall be made, and no right shall be given to occupy or use such viaduct or tunnel for any such purpose, except for a reasonable consideration, to be specified by the board and the council, and to be paid into the treasury of the city and county to the credit of such district, or otherwise assured to the satisfaction of the board, at or before the time of executing the contract for said improvements; and in such case the balance only of the cost of said improvements shall be assessed upon the district benefited, as provided in this article. Failure within the time above specified to pay for such privilege, or so assure said consideration, shall operate as a waiver of such privilege.

Advertisements for Bids—Eminent Domain, Etc.

Section 295. In the construction of viaducts and tunnels separate bids shall be advertised for and separate contracts let for different parts of the improvement. For the purpose of constructing viaducts and tunnels the city and county may, upon the order of the board, exercise the right of eminent domain and condemn, take or damage any private property necessarily condemned, taken or damaged in the making of said improvements; and may at its option, take such parts only of the property as may be necessary for the foundations and support of the improvement, and such rights of way over, or under, and such easements in, such property as may be necessary for the construction, maintenance, repairs and perpetual use of such improvements.

Assessment of Cost—How Apportioned.

Section 296. The entire cost of the construction and completion of such viaducts and tunnels, including approaches, engineering, clerical expenses, costs of inspection, interest and collection, together with the costs of any necessary rights of way and of any lands so taken or damaged, less any amounts paid for the privileges above mentioned, and less any amounts agreed to be paid by the city and county, shall be assessed upon all the real estate in the district, benefited, exclusive of public parks, highways and natural water courses, and upon all steam railway companies whose tracks are crossed by the improvement, in proportion to the benefits to each piece of real estate or to such companies, accruing by reason of the improvement, and in accordance with such rules of apportionment as may be recommended by the board and approved by the council.

The assessments to any such company shall be a lien upon the rights of way so crossed, and upon all other real estate of such companies, respectively, used in connection with such

rights of way in the city and county, to the same extent and with the same effect, as in the case of assessments on the other real estate in the district, and shall be enforced in like manner.

May Compel Railroads to Construct.

Section 297. The provisions of this article shall not affect the power of the council to require railroad companies to construct viaducts, bridges and tunnels, or parts of viaducts, bridges and tunnels and their approaches over, along or under their tracks at their own expense, and the council is hereby empowered, by ordinance, to require railroad companies to construct, at their own expense, such bridges and their approaches, tunnels or other conveniences at public crossings, and such viaducts and their approaches over their tracks where the same cross or extend along public highways or streets. Whenever the board of public works shall deem any such improvement necessary, the board shall recommend a bill for an ordinance requiring the construction of such improvement, the character and location of such proposed improvement to be therein described with sufficient certainty and the estimated cost thereof to be stated; and where a viaduct or tunnel crosses or passes under the tracks of several railroad companies, the board of public works shall have the power to apportion the cost thereof equitably among the different companies owning the said tracks; *Provided*, that no viaduct, bridge or tunnel shall be constructed under this section, unless the council shall have provided for the vacation of the street upon the completion of said viaduct, bridge or tunnel throughout that portion thereof, over, along or under which said public improvement is proposed to be constructed, the fee of the street to remain, nevertheless, in the city and county. The provisions of this section shall not be construed to repeal, modify or affect any ordinance now existing or in force heretofore passed by the city council of the city of Denver, requiring railroad companies to construct a viaduct or viaducts across or over their tracks, and no such ordinance shall be repealed until the provisions thereof have been fully complied with, and all suits and proceedings thereunder shall be conducted to final judgment, and enforced under the law and the ordinances of the city of Denver as they existed prior to the adoption of this charter.

ASSESSMENT AND PAYMENT.

Certificate of Assessment.

Section 298. Upon completion of any local improvement, or, in the case of sewers, upon completion from time to time of any part or parts thereof affording complete drainage for any part or parts of the district, and upon acceptance thereof by the board, or whenever the total cost of any such improvement, or of any such part or parts of any sewer, can be definitely ascertained, the board shall prepare a statement, showing the whole cost of the improvement, or such parts thereof, including not to

exceed six per cent. additional for costs of collection and other incidentals, and including interest to the next succeeding date upon which general taxes, or the first installment thereof, are by the laws of this state made payable; and apportioning the same upon each lot or tract of land to be assessed for the same, as in this article provided; and shall cause the same to be certified by the president and filed in the office of the clerk.

Advertisements—Complaints.

Section 299. The clerk shall thereupon, by advertisement for ten days in some newspaper of general circulation, published in the city and county, notify the owners of the real estate to be assessed. and all persons interested, generally and without naming such owners or persons, that said improvements have been or are about to be completed and accepted, specifying the whole cost of the improvements and the share so apportioned to each lot or tract of land or persons; and that any complaints or objections that may be made in writing by such owners or persons to the board of supervisors and filed with the clerk within sixty (60) days from the first publication of such notice, will be heard and determined by the board of supervisors at its first regular meeting after said sixty (60) days and before the passage of any ordinance assessing the cost of said improvements.

Supervisors Hear Complaints—Council Assess Cost.

Section 300. At the meeting specified in said notice, or any adjournment thereof, the board of supervisors, sitting as a board of equalization, shall hear and determine all such complaints and objections, and may recommend to the board of public works any modification of their apportionments; the board of public works may thereupon make such modifications and changes as to them may seem equitable and just, or may confirm the first apportionment and shall notify the council of their final decision; and the council shall thereupon, by ordinance, assess the cost of said improvements against all the real estate in said district and against such persons, respectively, in the proportions above mentioned.

Assessment a Lien—Priority—Illegal Assessment—Proceedings.

Section 301. All assessments made in pursuance of this article shall be a lien in the several amounts assessed against each lot or tract of land, from the publication of the assessing ordinance, and shall have priority over all other liens except general taxes. As to any subdivisions of any real estate assessed in pursuance of this article, the assessments shall in each case be a lien upon all the subdivisions in proportion to their respective areas. No delays, mistakes, errors, defects, or irregularities in any act or proceeding authorized by this article, shall prejudice or invalidate any final assessment, but the same shall be remedied by subsequent or amended acts or proceedings as the case may require, and when so remedied the same shall take effect as of the date of the original act or proceeding.

If in any court of competent jurisdiction any final assessment made in pursuance of this article is set aside for irregularity in the proceedings, then the council may, upon recommendation and notice as required in the making of an original assessment, make a new assessment in accordance with the provisions of this article.

Local Assessment Roll.

Section 302. The auditor shall, from said statement and assessing ordinance, prepare a local assessment roll, in book form, showing in suitable columns each piece of real estate assessed, the total amount of the assessment, the amounts of each installment of principal and interest, if in pursuance of this article the same is payable in installments, and the date when such installment will become due, with suitable columns for use in case of payment of the whole amount, or of any installment or penalty, and deliver the same to the treasurer for collection, and the same shall be certified by the clerk under the seal of the city and county, with his warrant for the collection of the same, and the auditor charging the amount of the assessment roll to the treasurer, and the treasurer receipting to the auditor for the same.

The assessor shall provide in the assessment roll of general taxes a column wherein the treasurer may make memoranda of special assessments. The treasurer shall make suitable memoranda in such column, showing any unpaid special assessments levied before the receipt of the assessment roll, upon the property referred to in such memoranda. On request for the amount of the taxes against any property the treasurer shall include in his statement special assessments. No error, failure, neglect or default on the part of the assessor or treasurer in complying with the provisions of this section shall invalidate any tax or assessment or affect the lien thereof.

Assessments Due in Thirty Days—Option—Installments.

Section 303. All assessments made in pursuance of this article shall be due and payable within thirty days of the publication of the assessing ordinance, without demand; *Provided*, that all such assessments may at the election of the owners, be paid in installments with interest as hereinafter provided. Failure to pay the whole assessment within said period of thirty days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in such installments. All persons so electing to pay in installment shall be conclusively considered and held as consenting to said improvements, and such election shall be conclusively held and considered as a waiver of any and all right to question the power or jurisdiction of the city and county to construct the improvements, the quality of the work, the regularity or sufficiency of the proceedings, or the validity or correctness of the assessment.

Installments—Two to Ten Years.

Section 304. In case of such election to pay in installments, the assessments, except for paving, alone or in combination with other improvements, and for viaducts and tunnels, shall be payable in not less than two nor more than ten equal annual installments of principal; the assessments for paving, alone or in combination with other improvements, shall be payable in ten equal annual installments of principal; and assessments for viaducts, tunnels, parks and park-ways, shall be payable in not less than five nor more than ten equal annual installments of principal, the first of which last mentioned installments shall be payable in not less than five and the last in not more than twenty years; with interest in all cases on the unpaid principal, payable annually at a rate not exceeding six per centum per annum; as the number of installments, the period of payment and the rate of interest may be determined by the board, or in case of parks or park-ways, by the park commission.

Installments—When Payable.

Section 305. Subject to the foregoing requirements, all installments, both of principal and interest, except in case of parks and park-ways, shall be payable at such times as may be determined in and by the assessing ordinance, upon the recommendation of the board, and in case of parks and park-ways, of the park commission.

Failure to Pay Installment—Whole Amount Due.

Section 306. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole of the unpaid principal to become due and payable immediately, and the whole amount of the unpaid principal and accrued interest shall thereafter draw interest at the rate of one per cent. per month or fraction of a month until the day of sale, as hereinafter provided; but at any time prior to the day of sale the owner may pay the amount of all delinquent installments, with interest at one per cent. per month or fraction of a month, as aforesaid, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any piece of real estate not in default as to any installment or payment, may at any time pay the whole unpaid principal with the interest accrued.

Payments Within Thirty Days—Allowance.

Section 307. Payments may be made to the treasurer at any time within thirty days of the publication of the assessing ordinance, and an allowance of the per centum added for cost of collection and other incidentals, and of the interest from the date of payment to the time the first installment comes due, shall be made on all payments made during said period of thirty days.

Non-Payment—Sale of Property.

Section 308. The treasurer shall receive payment of all assessments against any real estate appearing upon said last mentioned roll, with interest, and in case of default in the payment of any installment of principal or interest, when due, shall advertise and sell any and all real estate concerning which such default is suffered, for the payment of the whole of the unpaid assessments thereon; and said sales and advertisements shall be made at the same time or times, in the same manner, under all the same conditions and penalties, and with the same effect as are provided by general law for the sales of real estate in default of payment of general taxes.

Treasurer Purchase at Such Sales.

Section 309. At any sale by the treasurer of any real estate in the city and county, for the purpose of paying any special assessments for local improvements, the treasurer having written authority from the mayor, may purchase any such real estate without paying for the same in cash, and shall receive certificates of purchase in the name of the city and county, such certificates shall be received and credited at their face value, with all interest and penalties accrued, to the treasurer on account of the assessments in pursuance of which the sale was made. Said certificates may thereafter be sold by the treasurer at their face value, with all interest and penalties accrued, and by him assigned in the name of the city and county, and the proceeds credited to the fund created by ordinance for the payment of such assessments respectively, such assessments shall be made without recourse upon the city and county in any event, and the sale, and the assignment, shall operate as a lien in favor of the city and county and of the holders of such certificates, as is provided by law in the case of sales of real estate for default in payment of general taxes.

Part Owner Pay Part Assessment.

Section 310. The owner of any divided or undivided interest may pay his share of any assessment.

Treasurer Reports to Auditor.

Section 311. All collections made by the treasurer upon any such assessment roll, in any calendar month, shall be accounted for to the auditor on or before the tenth day of the next succeeding calendar month, with separate statements of all such collections for each improvement.

BONDS.

Public Improvement Bonds.

Section 312. All local improvements shall be paid for in public improvement bonds of the city and county, of such date and in such form, as may be prescribed by the board, the same bearing the name of the district improved, and payable to bearer

in a sufficient period of years to cover the period of payments herein provided for, but subject to call as hereinafter provided, in convenient denominations of not more than one thousand dollars each. All such bonds shall be issued by the treasurer upon estimates and orders of the board, approved by the mayor, without being audited by the auditor or auditing committee or allowed by the council; and the treasurer shall preserve a record of the same in a suitable book kept for that purpose; said bonds shall be subscribed by the mayor, attested by the clerk and seal of the city and county, and registered by the auditor, with the approval of the president of the board endorsed thereon; the same to be payable only out of the moneys collected on account of the assessments made for said improvements, respectively; and all moneys collected on account of the assessments for any improvement shall be applied to the payment of the bonds issued for the same improvement only, until the payment of all the said bonds; *Provided*, that sufficient of said bonds may be used by the board, with the approval of the mayor, at par, to pay for the engineering and other clerical service, advertising, cost of inspection, and accrued interest on outstanding bonds, and in case of viaducts and tunnels in also paying for any necessary lands taken or damaged and rights of way; or, with the approval of the mayor, the board may, upon advertisement for not less than ten days in some newspaper of general circulation, published in the city and county, sell sufficient of said bonds, at not less than par, to pay the expenses and interest mentioned in this proviso in cash.

Interest — Not Over Six Per Cent — Where Payable — Council Guarantee.

Section 313. All such bonds shall bear interest at the rate of not more than six per cent. per annum, as ordered by the board and council, payable semi-annually, the interest to be evidenced by coupons, attested by a facsimile of the signature of the auditor.

All such bonds, principal and interest, shall be payable at the city and county of Denver, but if the board so orders, they may also be payable at some national bank or trust company in the city of New York, in the state of New York, to be designated by the board, and in all cases the bonds and coupons shall recite the place or places of payment, and when payable also in the city of New York, the treasurer is hereby authorized to remit the funds necessary for their payment, with exchange, to the institution so designated, always assuring himself that such institution is then perfectly solvent.

The council may by ordinance, upon the recommendation of the board, by a vote of two-thirds of the members of each body of the council, on behalf of the city and county, guarantee the payment of any bonds issued under the provisions of this article.

Redemption and Purchase of Bonds.

Section 314. Whenever considered prudent by the treasurer he may, and whenever funds may be in his hands to the credit of any improvement or park district, exceeding six months' interest on the unpaid principal, he shall by advertisement for five days in some such newspaper, call in a suitable number of the bonds of such district for payment; and at the expiration of thirty days from the first publication of said notice, interest on the bonds so called shall cease. The notice shall specify the bonds so called by number; and all bonds shall be paid in their numerical order. The holder of any bonds may at any time furnish his postoffice address to the treasurer and in such case a copy of said advertisement shall be mailed by the treasurer to the holder of the bonds called, at said address, on the first day of said publication.

CONTRACTS.

Contracts—How Let—Bonds, Etc.

Section 315. All contracts for local improvements, and all other contracts involving expenditures under the direction of the board, shall be let by the mayor, upon recommendation of the board, without any action of the council, except in the passage of the original ordinance authorizing the improvement or contracts. All such contracts shall be let to the lowest reliable and responsible bidder, after public advertisement by the board for not less than ten days in some newspaper of general circulation, published in the city and county. Any other mode of letting such contracts shall be illegal and void and no such contract shall be made without a bond for its faithful performance, with sufficient surety or sureties to be approved by the board and no other surety than a surety company, approved by the board and mayor, shall be accepted. Upon default in the performance of any contract, the board may advertise and let a contract for the uncompleted work in like manner, without further ordinance, and charge the cost thereof to the original contractor upon his contract; and when a deficiency shall in such case occur, the board may, with the approval of the mayor, advance the amount thereof out of any available fund of the city and county, and recover the same by suit on the original contract and bond. In all advertisements the board shall reserve the right to reject all bids and upon rejecting all bids, may again advertise without further ordinance.

Contract—Terms and Conditions.

Section 316. Every contract shall contain a clause to the effect that it is subject to the provisions of this charter and of the ordinance authorizing the improvement; and shall require that eight hours shall constitute a day's labor for any work done under such contract; that the aggregate payments thereon shall not exceed the aggregate estimate of the engineer or the amounts

appropriated; that, upon ten days' notice the work under such contract may, without cost or claim against the city, be suspended by the mayor and board for substantial cause; and that upon complaint of the owner of any of the real estate to be assessed for the improvements, that the improvement is not being constructed in accordance with the contract, the board shall consider the complaint and thereupon make such order in the premises as may be just, and the decision of the board shall be final.

GAS AND WATER CONNECTIONS.

Board May Order Connection.

Section 317. Before paying in any district in pursuance of this article, the board may order the owners of the abutting real estate to connect their several premises with the gas and water mains or with any other conduits in the street, in front of their several premises; and notice of such order shall be given and the order shall be enforced as provided in section 280 hereof in the case of sidewalks; and the council may by ordinance provide any further means for compelling the owners of such property to do the work in this section mentioned and referred to.

TREES.

Establishment of Rules for Care of.

Section 318. The board may establish rules for the planting and care of trees upon all streets, avenues and boulevards, including the trimming of such trees and the removal of unsightly and dead trees, and to prevent the mutilation of trees, and the council shall by ordinance provide reasonable penalties for the violation of such rules.

SUBURBAN IMPROVEMENT DISTRICTS.

Boundaries of—How Established.

Section 319. In all that part of the city and county included within the limits of the former municipalities annexed to the city of Denver, or consolidated with the city and county, except that part of South Denver lying north of Mississippi street, and in all that part of the city and county lying east of Monroe street and of the same extended north and south to the boundary line of the city and county, improvement districts, to be known as suburban improvement districts, may be established by the board for the opening, widening, grading, curbing, guttering, surfacing, paving or otherwise improving of any street, road or alley, or streets, roads or alleys, or for any combination of said improvements, and all provisions of this article relating to such improvements shall apply thereto, except only in the following particulars, namely:

First: Such improvement district may include all the real estate specially benefited by the proposed improvements and need

not be confined to the real estate abutting on the streets or alleys opened, widened or improved, and the cost of such improvements shall be apportioned and assessed upon all the real estate within such district, except streets, alleys and other public places, according to the special benefits to each piece of real estate in the district, and need not be apportioned in proportion of the area of the lot or piece of real estate to be assessed to the area of the entire district, nor according to frontage.

Second: Whenever the owners of ten per centum of the area of the real estate within a proposed district shall in writing petition the board for the creation of such district, stating the kind of improvement desired and the maximum cost thereof, accompanied by a map of the proposed district suggesting the apportionment of the cost, and accompanied by a good and sufficient certified check, payable to the treasurer, to cover all the estimated expenses in and about the premises, including advertising, to the time of the passage of the ordinance authorizing the improvements to be made, the board shall prescribe such district, and, if a sufficient remonstrance, signed by the owners of real estate against which the aggregate approximate assessment exceeds thirty-five per centum of the total approximate assessment, is not duly filed, order such improvements substantially as petitioned for, and recommend to the council the ordinance therefor; *Provided*, the board approves such proposed improvements, finds the stated maximum cost sufficient, and finds the special benefits substantially as suggested.

Third: The petition may be modified at any time before the publication of the notice required to be published by the second proviso of section 272 hereof, at the request of the signers or their duly authorized representatives, but if additional expense is incurred thereby, such additional expense must be deposited as aforesaid. The maximum cost stated in the petition shall not be exceeded, and the apportionment thereof shall be substantially as indicated on said map. Upon the passage of said ordinance the amount or amounts deposited as aforesaid shall be returned; but if the proceedings shall fail, the board shall pay out of said deposits all of said expenses, including advertising, and only the balance shall be returned to the depositors; *Provided*, that nothing in this section contained shall prevent the board from also prescribing districts and making any of the improvements in this and in the preceding sections of this article mentioned, within the territory mentioned in this section, according to and as in the preceding sections of this article provided; and that the board may also proceed under this section without petition. No provision of this charter limiting the amount of any special assessment or limiting the size of any district shall apply to improvements under this section.

CHERRY CREEK IMPROVEMENT.

Walls and Embankments—Improvement Districts for.

Section 320. The council may authorize the construction of walls or embankments, and roads or driveways along such walls or embankments, along Cherry creek or any part or parts thereof, and after hearings to assess the whole or any part of the entire cost, except the cost in the intersections of streets and alleys, upon all the real estate, railway rights of way and all property benefited thereby, within a district or districts of lands, to be specified by ordinance, upon the recommendation of the board, and in proportion to the benefits accruing to said lands, rights of way and property, in consequence of said improvement. The whole cost in the intersections of streets and alleys shall be paid by the city and county.

All proceedings shall be as required in the first, second and sixth provisos of section 272 hereof, and all the provisions of this article with regard to the authorizing and constructing of viaducts and tunnels, the distribution of costs between the city and county, and the real estate, rights of way and railway companies, the acquiring of rights of way, issuance of bonds, the necessary assessments, and collection and payment of the cost of such improvements, shall apply as far as the same are applicable, and payment shall be made in not less than ten nor more than fifteen equal annual installments, as may be determined by the board, and enforced by the sale of the property benefited as in the case of other local improvements.

The city and county, upon the recommendation of the board, may pay any part of the cost of the improvements and the balance only shall be assessed upon said real estate; *Provided*, that if the balance so to be assessed upon the real estate, shall exceed one-half the total cost of such improvements, the making of such improvements shall be subject to remonstrance as in the case of viaducts and tunnels.

PLATTE RIVER.

Walls, Etc.—Cost of Construction—How Assessed.

Section 321. The council may authorize the construction of walls, embankments and roads or driveways along such walls or embankments along the Platte river or any part or parts thereof, and either pay for the whole or any part of the cost thereof, or provide for the payment of the whole or any part thereof by special assessment; *Provided*, that whenever any part of the cost thereof shall be provided by special assessment, the making of such improvements shall be subject to remonstrance, as in the case of viaducts and tunnels.

EMINENT DOMAIN.

How Assessed.

Section 322. Whenever the council shall by ordinance establish, open, widen or alter any street, alley, or other highway, or

select and designate any site for any market, auditorium or other building for the use of the city and county, then the city and county may exercise the power of eminent domain, and condemn the property necessary for said purposes.

The manner of proceeding, the ascertainment of the compensation to be paid, the assessment of benefits or damages, the collection of such benefits and payment of such damages shall be as provided by general law; and the same power may be exercised, and the same procedure shall be pursued in condemning any lands or rights of way for any ditch. It shall not be a bar to any such proceeding that the lands or rights of way to be taken have once been taken for public use.

PARKS.

Four Districts—Boundaries.

Section 323. The city and county is hereby divided into four park districts, consisting respectively of the following territory:

The Montclair park district, all that part of the city and county lying east of McKinley avenue, formerly Colorado boulevard.

The South Denver park district, all that part of the city and county lying south and west of Cherry creek and easterly from the Platte river.

The Highland park district, all that part of the city and county lying north and west of a line beginning on the southerly boundary line of the city and county at its intersection with the Platte river, following the course of the Platte river in a northerly direction to the intersection with Cherry creek, thence southeasterly along Cherry creek to its intersection with Larimer street, thence along Larimer street to its intersection with Downing avenue, thence along Downing avenue to Thirty-eighth street, along Thirty-eighth street to the Platte river, following the course of the Platte river to its intersection with the northerly boundary line of the city and county.

The East Denver park district, all the remaining territory of the city and county.

Establishment of Parks.

Section 324. In addition to the powers herein conferred to acquire lands for parks and park-ways by the sale of the general bonds of the city and county, it shall be lawful for the park commission, with the approval of the mayor, to acquire parks and park-ways in each of the said park districts in the manner following, the same to be paid for by special assessments upon all the other real estate, except parks, park-ways and streets, in such districts, respectively, or partly out of the proceeds of the sale of the general bonds of the city and county, and partly by such assessments, as the same may be determined by the mayor and park commission.

Condemnation of Land for Parks.

Section 325. For the purpose of acquiring lands for parks and park-ways it shall be lawful for the park commission and said commission is hereby authorized and empowered, by and with the approval of the mayor, to select and by a suitable proceeding in the name of the city and county for the use of any such park district, without the passage of any ordinance, to condemn real estate or, with the approval of the mayor, to purchase any real estate so selected for one or more parks or park-ways in each of the said districts and to select routes and streets for the purpose of establishing and maintaining a system of connecting boulevards and pleasure-ways or park-ways therein. All such condemnation proceedings shall be in accordance with the general laws of the state, so far as the same are applicable, but the benefit to other lands shall be ascertained and assessed as required in this article.

Cost—How Apportioned and Paid.

Section 326. The parks and park-ways so established in any such park district, or such part thereof as may be determined by the mayor and park commission, shall be paid for in park bonds of the city and county, of date and form prescribed by the park commission, bearing the name of the district, and payable to bearer at such times and in a sufficient period of years to cover the period of payments herein provided for, with interest annually at such rate, not exceeding six per cent. per annum, as may be determined by the commission. The bonds shall be signed by the mayor, countersigned by the auditor and attested by the clerk and seal of the city and county, with the approval of the president of the park commission endorsed thereon, the interest to be evidenced by suitable coupons attested by a fac simile of the signature of the auditor.

Sale of Bonds.

Section 327. Or, whenever the cost of any such park site or park-way can be definitely ascertained, said bonds or any part or parts thereof may be issued and sold by the park commission, with the approval of the mayor, at not less than par, upon public advertisement for not less than ten days in some newspaper of general circulation published in the city and county of Denver, and such other newspapers as may be designated by the mayor and park commission; and the proceeds may be used exclusively by the park commission with the approval of the mayor, in the purchase or condemnation of park sites and parkways, and in any case sufficient of said bonds may be issued and sold in like manner to pay the costs of surveying, evidencing and acquiring necessary titles, the necessary costs of court, the preparation of the assessment rolls and other incidentals. The bonds so issued shall be paid by special assessment upon all the other real estate in the district in the proportions and amounts determined by the commission and assessed by ordinance, and shall be paid only

out of the moneys collected from said assessments; and all the moneys so collected shall be set apart and shall constitute a fund for the payment of said bonds and interest thereon until payment of said bonds and interest in full; *Provided*, that before acquiring any real estate or issuing any bonds for the purposes aforesaid the commission shall prepare a map of the district and apportion the cost of the improvement on all the other real estate in the district in proportion to the benefits to each piece of real estate accruing in consequence of the establishment of such parks or park-ways in said district, and in accordance with such rules for apportioning the benefits as to the commission may seem just and reasonable; and shall by advertisement for ten days in some newspaper of general circulation published in the city and county, give notice to the owners of the real estate to be assessed of the proposed purchase or condemnation, with a description of the lands to be acquired, the estimated cost, the number of installments and time in which the assessments will be payable, the rate of interest on unpaid installments, the rules adopted by the commission for apportioning the benefits, as aforesaid, and the time, not less than ninety days after the first publication, when the question of the proposed purchase or condemnation will be considered by the commission; that said map and all proceedings of the commission are on file and can be seen and examined by any person interested during business hours, within said period of ninety days, at the office of the secretary of said commission, and that all complaints and objections that may be made in writing by owners of any real estate to be assessed will be heard and determined by the commission before final action of the commission in the premises.

The commission shall, at the time specified or thereafter, consider all such complaints and objections, and may modify or confirm their apportionments, and shall finally determine whether said lands shall be acquired for said purposes; but if, within the time above specified a remonstrance shall be filed with the secretary of said commission, subscribed by the owners of twenty-five per cent. in area of the real estate which is to be assessed, then the proposed purchase or condemnation shall not be made, and the proceedings shall not be renewed for one year thereafter; and the finding of the council by ordinance that such notice was duly given, or that such remonstrance was or was not filed, or was or was not subscribed by the required number of owners aforesaid, shall be conclusive in every court or other tribunal.

Assessment of Cost.

Section 328. When the cost of any such park site or park-way is definitely determined, the park commission shall prepare, certify and file with the clerk, a statement showing the cost thereof as required in section 298 hereof; the clerk shall thereupon give the notice required by section 299 hereof; and thereupon the same proceedings required in section 300 hereof shall be had, ex-

cept that the proceedings therein provided to be observed by the board shall be observed by the park commission; and the council shall thereupon by ordinance assess the cost against the other real estate as aforesaid, in the district, in accordance with said apportionments.

Moneys—Where Expended.

Section 329. No moneys received from any source for any park district, shall be expended in or for any other park district.

MISCELLANEOUS.

Terms and Definitions.

Section 330. In all proceedings authorized or required by this article, figures may be used instead of words, and it shall not be necessary in improvement districts to designate each piece of real estate in the district separately, but general descriptions and quantities may be used except in the assessment rolls, and the cost may be stated as being a probable amount per front foot, or per square foot, or per lot of a given size, and proportionate amounts for other lots, or, when a different rule of assessment is provided, then as being subject to such rule.

Saving Clause for Local Improvements.

Section 331. All petitions for and all remonstrances against paving heretofore filed with the board, and all other proceedings for the making of local improvements, in which other proceedings publication has been commenced of the notice to property owners required by the second proviso of section 3 of article VII of the previous charter of the city of Denver, or of the city and county of Denver, are hereby preserved; and the same shall hereafter be continued, notices given, ordinances passed, contracts let and completed, and the cost assessed or reassessed and collected in accordance with the provisions of such previous charter. In all such proceedings and contracts the acts and duties required heretofore to be done by the mayor, city clerk, city auditor, city treasurer, city council, board of public works, and engineer of the board, or any officer of the city of Denver, or of the city and county of Denver, by the said charter or by the constitution or by general law, shall be performed by their respective successors, the mayor, clerk, auditor, treasurer, council, board of public works, engineer, or any other officer or department of the city and county who are authorized by this charter to perform their respective or like duties.

Limitation of Actions—Ninety Days.

Section 332. No action or proceeding, at law or in equity, to review any acts or proceedings, or to question the validity or enjoin the performance of any act, or the issue or collection of any bonds, or the levy or collection of any assessments, authorized by this article, or for any other relief against any acts or proceedings done or had under this article, or under the previous charter

of the city of Denver, or of the city and county of Denver, with reference thereto, whether based upon irregularities or jurisdictional defects, shall be maintained, unless commenced within ninety days after the performance of the act or the passage of the resolution or ordinance complained of, or else be thereafter perpetually barred; *Provided*, that as to any such cause of action now existing and not heretofore barred, such action may be commenced within ninety days after the adoption of this charter. All the acts and proceedings of the board of public works of the city of Denver, and of the city and county of Denver, in relation to public improvements, authorized by the charter of the city of Denver and of the city and county of Denver or other law, are hereby ratified and confirmed. Nothing herein contained shall affect pending litigation concerning the Fourteenth street viaduct.

ARTICLE XII.

CHANGING CHANNEL OF CHERRY CREEK.

Council Power to Change Channel.

Section 333. The council shall have power and authority, upon the recommendation of the board of public works, by ordinance to provide for changing and turning the channel and bed of Cherry creek by any suitable means, and by the excavation and maintenance of a new channel, canal or ditch upon such line within or without the territorial limits of the city and county, as said board and the council shall deem advisable, so as to direct the flow of water from the old channel of said creek, or from such part thereof as may be designated in such ordinance.

Preliminary Proceedings.

Section 334. The board shall first cause surveys of the proposed changes and improvements to be made, and estimates of the cost thereof by each route or line surveyed, and shall report the same to the council, with such recommendations as to said board may seem advisable.

Council Order Such Improvements.

Section 335. Whenever provision has been made for the payment of the cost of said improvements, the board may, in the name of the city and county, by purchase or condemnation, acquire the necessary lands and easements for such new channel, ditch, canal, and for any dam, breakwater or levee, or other structures incidental thereto.

Board Make Such Improvements.

Section 336. Upon the passage of such ordinance and provision for such payment, the board shall have the exclusive power to make said changes and improvements, and, with the approval of the mayor, to expend any and all moneys provided for the payment therefor, and the contract shall be awarded by the mayor, with the approval of said board, without any action by the coun-

eil, except in the passage of the ordinance authorizing said improvements.

Both Channels Property of City.

Section 337. Said new channel and property when acquired and completed shall become the property of the city and county, and of the public, as fully and completely as though said new channel and the waters flowing and to flow therein were the original and natural stream of said creek; *Provided*, that the old channel of said creek from below the point of its passage to such new channel shall, nevertheless, be and remain the property of the city and county, and public property to the same extent that the same has heretofore been the property of the city and public property.

ARTICLE XIII.

RIGHTS AND LIABILITIES.

Ordinances—How Proved—Certified Copies—Books or Pamphlets.

Section 338. All ordinances may be proved by a copy thereof certified by the clerk, under the seal of the city and county; or when printed in book or pamphlet form, and purporting to be published by authority of the city and county, the same shall be received in evidence in all courts or other places, without further proof.

Bond of City Not Require Sureties.

Section 339. When in any action or proceeding in any court of the city and county, its officers may be required to give any bond or undertaking, in their official capacity or on behalf of the said city and county, such bond shall be accepted without sureties if subscribed by the mayor or other officers, with the seal of the city and county, and attested by the clerk.

General Penalty Clause.

Section 340. Any person who shall violate any of the provisions of this charter for the violation of which no punishment has been provided herein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the city and county jail not exceeding three months, or by both such fine and imprisonment. In all cases of violation of the provisions of this charter, or any ordinance of the city and county, the several justices of the peace of the city and county shall have original jurisdiction and an appeal may be taken by the aggrieved party from such judgments to the county court, where such cases shall be tried *de novo*.

Oaths—Who May Administer.

Section 341. The mayor, clerk, auditor, treasurer and assessor, and their respective deputies, the members of any commission or head of any department, shall have power to administer oaths and affirmations, except oaths of office.

Personal Injuries—Damages—Notice Within Sixty Days.

Section 342. Before the city and county shall be liable for damages to any person injured upon any of the streets, avenues, alleys, sidewalks or other public places of the city and county, the person so injured or some one on his behalf, shall, within sixty days after receiving such injuries, give the mayor notice in writing of such injuries, stating fully in such notice, when, where and how the injuries occurred and the extent thereof.

Physical Examination of Plaintiff in Personal Injury Cases.

Section 343. Whenever any action to which the city and county is a party defendant is commenced in any court of record to recover damages for personal injuries alleged to have been occasioned by reason of negligence of the city and county or of any of its officers or agents, it shall be lawful for the court, upon application of the city and county, to appoint not more than two competent and disinterested witnesses for the purpose of making examinations as to the fact and extent of the alleged injuries; and it shall be the duty of the plaintiff to submit to such examination by such witnesses for such purpose, upon the order of the court, and to such extent only as may be specified therein; and if the plaintiff shall refuse to submit to such examination in compliance with such order, then no evidence shall be received upon the trial concerning any injuries of which in and by the order of the court such witnesses were authorized to make examination.

Personal Injuries—City Recover Amount of Judgment from Private Party When.

Section 344. If any person shall recover judgment against the city and county for damages sustained to person or property by reason of any defect in the streets, avenues, alleys or public places of the city and county, the city and county shall have the right to recover the amount of said judgment from any person or corporation who may have caused such defect or from whose negligence such defect may have been occasioned; *Provided*, such person or corporation so causing such defect as aforesaid, shall have notice of the pendency of any action against the city and county in favor of the person sustaining damages as aforesaid, but in the absence of such notice, the person or corporation so causing such defect as aforesaid, shall not be concluded as to any matter of fact determined in the action against the city and county by the person sustaining damages as aforesaid.

Plats of Additions to Be Approved by Council.

Section 345. No territory within the city and county shall be so platted as to dedicate any street, alley or other public highway, without the approval of the council. Owners shall submit to the council a plat of any proposed division, showing the adjacent streets and alleys, and the topography of the platted territory, accompanied by a certificate of title from the attorney.

No territory shall be platted unless all taxes and special assessments thereon shall have been paid. One plat shall be filed with the engineer and another with the recorder.

Annexed Municipalities—Equal Fire and Police Protection, Etc.

Section 346. In all appropriations and expenditures of public money for fire and police protection, care and maintenance of streets, the furnishing of light, and of water, the council shall set aside for and expend in that part of the city and county included within the limits of the municipalities annexed to the city of Denver, or consolidated with the city and county, its just share in proportion to the assessed valuation, as near as may be, to be distributed among the sections comprised by the former municipalities in the same proportion, and the water, and light service, and fire and police protection of such former municipalities shall not be curtailed.

Officers and Employes May Receive But One Salary.

Section 347. No officer or employe shall hold or enjoy any other public office or public employment for which he is paid any compensation. No officer or employe shall become surety on the official bond of any other officer or employe.

ARTICLE XIV.

SCHEDULE.

Ordinances, Etc., in Force—Continuation of.

Section 348. Except as otherwise herein provided, all ordinances in force at the time of the adoption of this charter, so far as not inconsistent herewith, shall remain in full force and effect until they expire by their own limitation or until amended or repealed by the council. All rights, liabilities, obligations, suits, actions, prosecutions, claims and contracts of the city of Denver, the former county of Arapahoe, the included municipalities, and the city and county of Denver shall remain and continue in full force and effect as if the form of government had not been changed and this charter adopted.

Saving Clause—Former Municipalities.

Section 349. All the ordinances of each of the former municipalities included within the boundaries of the city and county of Denver, establishing fire limits, providing for building restrictions or prescribing the character of buildings to be erected within such municipalities, or any portion thereof, shall be in force and effect until otherwise provided by the council.

Saving Clause.

Section 350. All recognizances, obligations and other instruments entered into or executed before the adoption of this charter, to the city of Denver, the former county of Arapahoe, any included municipality, the city and county of Denver or any officer thereof and all taxes, fines, penalties and forfeitures due

or owing to the city of Denver, the former county of Arapahoe, any included municipality, the city and county of Denver, or any officer of any of them, and all rights, prosecutions, actions and causes of action shall continue and remain unaffected by any change in the form of government or by the adoption of this charter.

Police Magistrate's Court—Termination of—Records, Etc.

Section 351. The police magistrate's court of the city and county of Denver, and the term of office of the judge, clerk and bailiff thereof, shall terminate immediately upon the election and qualification of the justices of the peace, at the first city and county election herein provided for. But all pending unsatisfied sentences, judgments or convictions of said court, or appeal or appeals therefrom shall stand in all respects as though said court had not been terminated. All records of and proceedings in said court shall at the termination thereof, be by the judge and clerk thereof, turned over to the justice of the peace first performing the duties of police magistrate under this charter, who shall proceed with all unfinished business thereof in all respects as though the same had originated in his court. Within ten days after the termination of the police magistrate's court hereunder, the judge and clerk shall make a complete report to said justice of the peace, showing the number and amount of unpaid fines and penalties by him imposed, with the names of the defendants or persons liable therefor. He shall also within said time, render an account under oath, and pay over to the auditor all such fines, penalties and other moneys in his hands or those of the clerk, belonging to the city and county.

Officers—Who Are Successors.

Section 352. The county court herein established shall be the successor of the county court of the former county of Arapahoe and of the city and county of Denver. The justices of the peace provided for in this charter shall be the successors of the justices of the peace in the former county of Arapahoe and the included municipalities and in the city and county of Denver and of the police magistrate court of the city of Denver and of the city and county of Denver and of police magistrate courts of included municipalities, with full power to continue to prosecute to final conclusion all suits, actions and prosecutions now pending and undetermined in said courts and with full power to enforce all judgments heretofore entered in any and all of said courts.

Election Precincts and Districts.

Section 353. All election districts and precincts within the boundaries of the city and county as at the present time established shall remain until changed or abolished by law or ordinance.

ARTICLE XV.

AUDITORIUM.

Submission to Taxpayers.

Section 354. There shall be submitted to the vote of the taxpaying electors at the next election succeeding the adoption of this charter, the following question:

Question: Shall the city and county of Denver issue bonds to an amount not exceeding four hundred thousand dollars, bearing interest at a rate not exceeding four per centum per annum, and maturing in not less than fifteen, nor more than thirty years, the principal to be payable in equal annual installments, commencing the first year following the issue of the bonds, for the purpose of erecting a public auditorium, including the purchase of a site therefor, if desired?

Answers:

Yes.

No.

Voters wishing to vote in the affirmative shall put a cross (X) after the word yes; those wishing to vote in the negative shall put a cross (X) after the word no.

In case the issuance of bonds for the erection of an auditorium be authorized, the council shall select and may condemn or purchase the site therefor; and the board of public works shall erect the auditorium and have control of all matters in connection therewith, except the selection and acquisition of the site. The auditorium may include accommodations for other purposes and when not needed for the use of the city and county, the auditorium or any part thereof may be rented. The auditorium, when completed, shall be under the control of the commissioner of supplies under such rules and regulations as the council may determine.

DONE IN CONVENTION, at the council chamber in the city and county of Denver, Colorado, this 6th day of February, in the year of our Lord, one thousand nine hundred and four, and of the independence of the United States the one hundred and twenty-eighth.

IN WITNESS WHEREOF, we have hereunto subscribed our names.

CHARLES H. MARSHALL,
President.
 HARPER M. ORAHOOD,
Vice-President.
 CHARLES M. BROWN.
 THOMAS F. DALY.
 JACOB FILLIUS.
 JOHN GAFFY.
 ALICE POLK HILL.
 DAVID K. LEE.
 OSCAR REUTER.
 WM. H. SHARPLEY.
 JOS. C. SHATTUCK.
 AUGUST J. SPENGEL.
 HUGH L. TAYLOR.
 CHARLES S. THOMAS.
 EDWARD F. TRUNK.
 THOMAS E. WATTERS.
 WM. F. WEBB.
 CLAY B. WHITFORD.
 HIRAM G. WOLFF.
 BENJ. E. WOODWARD.
 ADOLPH J. ZANG.

Attest:

CHARLES W. VARNUM, *Secretary.*



MEMORANDA

Constitutional submission act approved March 18, 1901.

Ratified at general election November 4, 1902.

Governor Orman's proclamation issued December 1, 1902.

Constitutionality sustained by Supreme Court, February 27, 1903. (People ex rel. Elder vs. Sours, 31 Colo., 369.)

First charter convention elected June 2, 1903.

First charter convention in session June 9 to August 1, 1903.

First proposed charter rejected September 22, 1903.

Second charter convention elected, December 8, 1903.

Second charter convention in session December 15, 1903, to February 6, 1904.

Second proposed charter adopted March 29, 1904.

Charter filed in the office of the secretary of state at 2:20 p. m., April 7, 1904.

First election under the charter May 17, 1904.

The officers elected May 17, 1904, assumed office June 1, 1904

* * * * *

Consolidation of City and County Denied—People vs. Johnson, 34 Colo., 143. (Decided July 2, 1905.)

* * * * *

Consolidation of City and County Sustained—People ex rel. Attorney General vs. Cassidy, et al., 50 Colo., 503. (Decided May 1, 1911; rehearing denied June 5, 1911.)

Petition for writ of error dismissed by Supreme Court of the United States for want of jurisdiction, October 23, 1911.

* * * * *

Election May 15, 1906.

Section 239 *Police Pension* (Amended).

Vote for10,440

Vote against 5,243

Section 263-A *Electric Lights* (New).

Vote for10,242

Vote against 7,681

* * * * *

Election May 17, 1910

Total vote registered.....74,478

Total vote cast.....61,667

Section 22 *Initiative* (Amended).

Vote for14,376

Vote against11,177

Section 22-A *Procedure* (New).

Vote for12,118

Vote against10,637

Section 22-B *Recall* (New).

Vote for14,442

Vote against10,626

Section 23 *Petitions* (Amended).

Vote for12,925

Vote against11,144

Section 141 *Municipal Court* (Amended).

Vote for10,674

Vote against10,582

Section 153-A *Salaries* (New).

Vote for20,872

Vote against11,031

Section 187 *Secretary—Civil Service* (Amended).

Vote for20,872

Vote against11,031

Section 264-A *Water Commission* (New).

Vote for12,342

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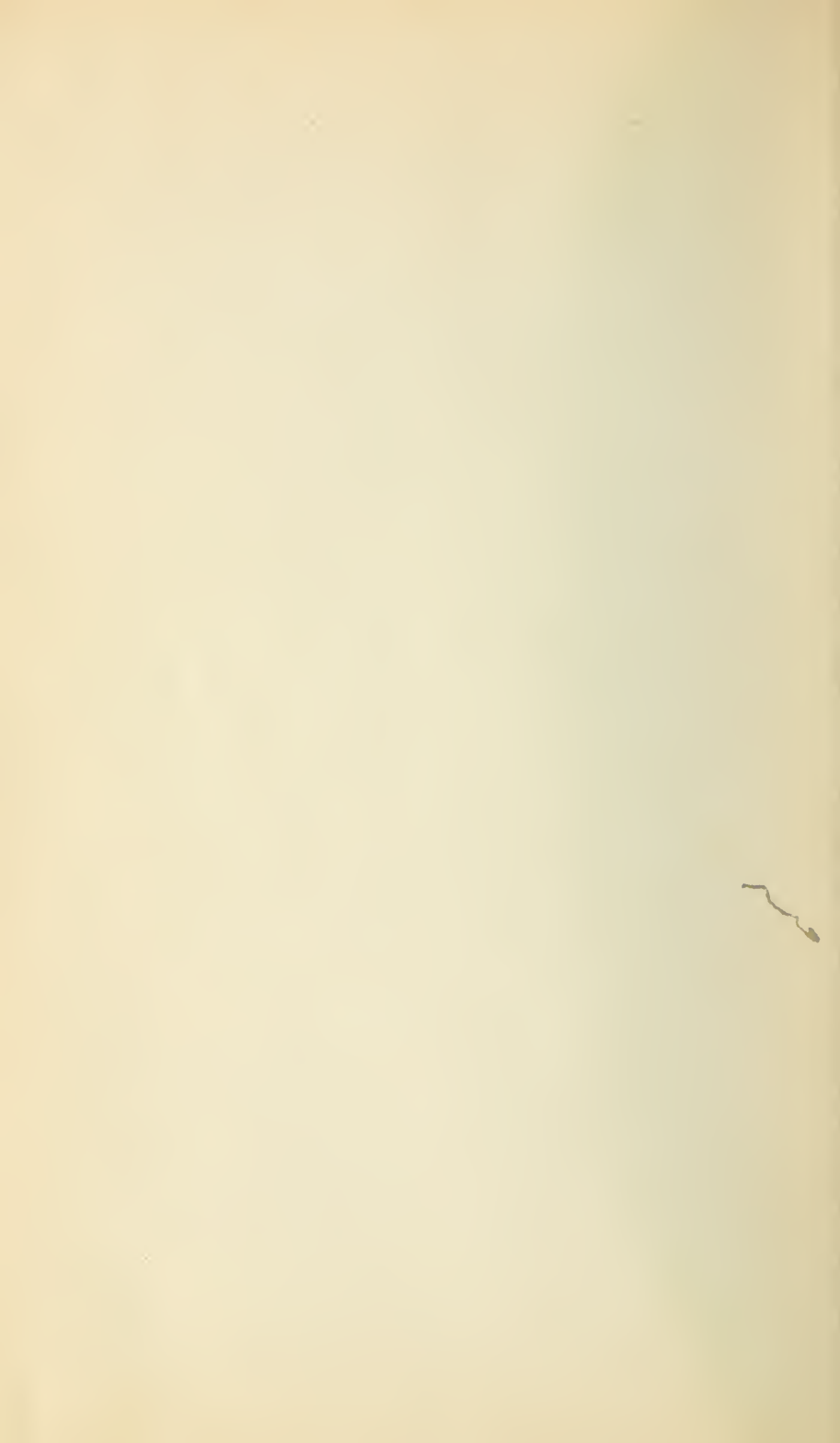
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